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THE SECOND PART OF SYMBOLEOGRAPHY,

Newly corrected and amended,
and very much enlarged in all
the foure severall
Treatises.

1. Of Fines and Concorde.
2. Of Common Recoueries.
3. Of Offences and Indictments.
4. Of Compromises and Arbitrements.

Whereunto is annexed another Treatise of Equitie, the Jurisdiction, and proceedings of the high Court of Chancery; of Supplications, Bills, and Answers; and of certaine writs and Commissions issuing thence, and there also returnable: Likewise much augmented with diuers Presidents, very necessary for the same purpose beginning at the 144. Section, and continuing to the end of Bills & Answers.

Hereunto is also added a Table for the more easie and ready finding of the matters herein contained.

Ingenij cibus studium, studijq; diligentia.

LONDON,
Printed for the Companie of
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Cum Privilegio.

SECOND PART OF

THE HISTORY OF THE

REIGN OF CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TWO VOLUMES

LONDON: Printed by A. MILLAR, in Strand, 1765.

Price 1s. 6d.

By the Author.

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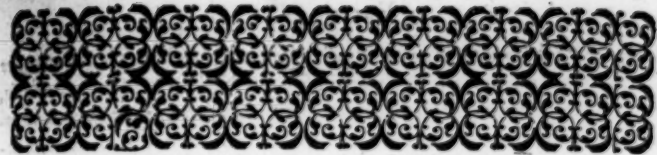
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Viro Furis prudentia & pietatis laude illustris-
fimo EDVVARDO COKE Armi-

gero, serenissima Regine Maiestatis Procuratori summo,

WIL. WEST veram exoptat

feclicitatem.

Quod ijs fere omnibus, qui lucubrationes suas de aliquo discipline genere in publicum proferunt, in more positum esse videtur (vir illustrissime) ut in Epistolis suis nuncupatorijs duo potissimum sequantur: unum, ut illum ipsum, cuius patrocinio niti statuant, dignis laudibus efferant; alterum, ut operas ipsas grato encomio afficiant: erunt fortasse nonnulli, qui idem a me faciendum arbitrabuntur; a quibus tamen ego longe diversum sentio. Utrumque enim ut vellem, maxime certe non possum: Nam ab hoc ingenuolimes tenuitas, ab illo, pudor quidem ingentis me remoratur. Et vero, si laudes tuas excurrem longius, vereor, ut & ipse hoc non patereris. Et ego, cum corporis, tum animi dotum, quas natura affatim in te quasi effudisset, multisitudine obrutus, neque, quid præ ceteris dicendum, neque quomodo finis faciendus sit, facile reperire possem: sine de eximia iuris nostri scientia, sine de singulari pietate tua dixero, quas in te (vir ornatissime) atas etiamnum integra, tam mature nobis exhibuit, ut ad quæ suis res præclaras gerendas, non factum sed natus esse videaris. Quorum veluti suffragijs ad præclara munera tendendum enectus, alijque, etiam grandævis prælatus sis. Sed quicquid ipse de te dixero, dicturus illud sum tenuius, minusque splendide, quàm dici debuisse, & rei dignitas postularet. Itaque malui silere, ac singulares illas animi corporisque, tui dotes suspicere, quàm nihil discendo, insatiâ meâ prodere. De opella autem mea gloriosius dicere nihil attinet. Illius enim argumentum eiusmodi est, ut nullius adeo cõmedatione magnopere egere videatur, quippe quod de ijs rebus tractat, quæ ad pacem et concordiam cum constituendam, tum restituendam, spectant maxime: sine enim tractatum primum de finibus, sine alterum illum de recuperationibus, quæ dicuntur: sine tertium de criminibus et accusationibus inde oriundis: sine postremum de compromissis & arbitrijs, contempleris, nihil aliud quam quietem & tranquillitatem humana societatis, spirare videntur omnia. Nam arbitria, lites easque susciatus, leniter componunt: fines & recuperationes dominia & proprietates firmant: accusationes, nocen-

EPISTOLA:

tum peccata detegunt; ut nocentes ipsi vel sanentur, vel è medio tollantur, ne istorum virum proximos quosque vel conficiat vel inficiat. Et certe haud scio, an pace quicquam angustius ad veram singulorum felicitatem excogitari poterit, illa namque nobiscum commorante omnibus nobis ac commodis abundamus, atque ex animi sententia succedunt omnia. At si dulcissima eius consuetudine praecluditur, eaque a nobis exulet, statim bello, omnibus malis atque erroribus expositi, vitam longè miseriam ducimus. Modum autè, quo hac tractamus, laudare, meum non est. Quod si enim is eiusmodi est, qui tibi, alijsque bonis & doctis viris placeat, satis per se ipsum commendatus eris: sin minus, vana res non probanda commendatio, ipsam laudabiliorem non efficiet. De animo autè meo, hoc tua pace liberè effari libet, voluisse me prodesse quamplurimis, ijs autem precipue, qui prima iuris nostri tyrocinia exercent. Quod ut melius prestare possem, ista volui qualicunque methodo: cum profectò nulla mihi videatur dicendi ars alia nisi methodus, quae a prioribus natura, ad proxima, quae a notioribus, ad minus nota, quae a generalibus, ad specialia, quae a finitis, ad infinita, quaeque ita demùm ab instituto aliquo genere ad media, tunc definiendo, tunc dividendo, transit, donec tandem in exemplorum infinitate consistat, quàm quidè disponendi ratione tibi (vir ornatissime) non ingratis fore confido, cum omnes tuae disputationes, atque adeo dicta omnia, illam ipsam (uauissime semper spirare videntur. Te igitur horum Macenatem rogo pro genuina & laudatissima illa tua in re literaria, literatosque omnes promouendi proutitudine, & vera pacis amor singulari, accerrimoque tuo in delicta odio, si alia reipublice grauiora negotia non impedian, hunc libellum cognoscere, suscipere, ac tueri velis: quo mihi animos ad hac augenda & perpolienda, & hijs maiora alacriter aggredienda, addas. Te (vir iuriscōultissime) aeterna pacis author, ad suis nomini gloria, ecclesia commodum, & reipublice tranquillitatē, quam diutissime seruet incolunt. Ex edibus meis Firbe ticiensibus haud longe a Dēcastria burgo, in agro Eburacensi, postridie calendae Maias; Anno salutis per Christi solus sanguinem restituta 1594.

Tibi deditissimus,

WILLIAM WEST.

SYMBOLEOGRAPHY,

Of Fines and Concordes.

The definition of Fines.

- A** As much as we haue already in our first Sect. 1. part of Symboleography shewed the forme of diuers Conditions and Couenants, as well for the leuying of Fines of lands and tenements, as also to raise and limit the vses thereof: It now seemeth necessary to shew how the Notes of wits of Couenants & Concordes for Fines, with other necessarie circumstances concerning the same are to be made. Wherefore let vs first learne what, and how worthy things Fines be.
- B** Tremaille 2 1. E. 4. fol. 4. teachmeth Fines, couenants made before Justices, and entered of Record.
- C** Browne saith, Fines be fructus, exitus, & finis effectus Legis, Plow. fol. 357.
- D** Glanvil in his eight Booke and first chapter teachmeth a Fine Amicabilis compositio, & finalis concordia ex consensu & licentia domini Regis, vel eius Iusticiariorum. And Bracton tractatu quinto, Lib. 5. cap. 28. Sect. 7. de Exceptionibus saith, Finis ideo dicitur finalis concordia, quia imponit finem litibus, & est exceptio peremptoria.
- E** And Glanvil cap. 3. Lib. 9. saith, Talis concordia finalis dicitur, eo quod finem imponit negotio, adeo ut neutra pars litigantium ab eo de cetero poterit recedere.
- F** In which Bookes may be seene the ancient forme of leuying Fines and their great antiquitie: for they be as ancient as any Court of Record, Plowd. fol. 357. a. 368. b. which without question were long before the Conquest.
- G** So that Fines hauing their commencement of Record long before the Conquest, euer since haue remained in great estimation, as appeareth by a Fine leuied before the Conquest, touching the possession of the Abbey of Crowland, and diuers other ancient Fines leuied before that time yet extant, Plowd. 357. a. 368. b.
- H** But chiefly we are to consider their effects, which be to make certaintie and assurance to the parties concerning their estates in lands and tenements, and to end contention, and breed peace and securitie to all men.

Fines and Concords.

As appeareth by the Statute de Finibus 27. Edw. 1. Stat. 7. cap. 1. wherein be these wordes, Quia fines in Curia nostra levati firmiter libus imponere debent, et imponunt: Ideo fines vocatur maxime cum post Duellum et magnam Assisam in suo casu ultimum locum finalem teneant imperpetuum: with which Statute agreth Bracton tractatu 5. Lib. 1. c. 28. Sect. 7. de Exceptionibus.

And therefore by the ancient law, Fine & Rencloime by the space of a pere and a day was a peremptory barre to all men, which was abrogated by the Statute made 34. E. 3. cap. 16.

And at this day Fines be of great force, puissance, and worthinesse: for being levied & ingrossed with proclamations, according to the Statute of 4. H. 7. cap. 24. 1. R. 3. cap. 7. 32. H. 8. cap. 36. & 31. Eliz. Reg. cap. 2. They are final endes, and sufficiently conclude, barre, and discharge for ever as well parties and priuies as estrangers to the same, except women covert (other then being parties to the fines) and every other person at the time of the levying of the same fine being within the age of xij. yerres, or in prison, or out of the Realme, or of unsound mind, and no parties to such fines: Saving unto estrangers to such fines such right, title, claime, & interest, as they haue to the tenements therein contained at the time of thingrossing thereof: so that they pursue the same by action, or lawfull entrie within five yerres next after proclamations thereupon made according to the said Statutes: And saving to all other persons such action, right, title, claime, and interest, in, or to the tenements in such fines mentioned, as first shal grow, remaine, descend or come to them after the said fine engrossed and proclamations made, by force of any cause or matter had or made before the said fine levied: so that they pursue their action, right, or title within five yerres next after that it is to them accrued.

By which authorities we gather that fines are nothing els, but Instruments of record of agreements concerning lands, tenements, or hereditaments, duely made by the Kings consent & licence, & knowledge by the parties to the same upon a writ of Covenat, a writ of Right, a writ of Customes & Services, Warrantia charte therof, or such like, before the Justices of the Common place, or others therunto authorized, & ingrossed of record in the same Court, to ende all controuersies thereof both betwene themselves which be parties and priuies to the same, and all estrangers not suing or clayming in due time.

These fines destroy estates taile, (other then such as be made by the King, the reversion being in the King, 32. H. 8. cap. 36. And other then fines of lands restrained from alienation by act of parliament, 32. H. 8. ca. 36. Or lentred by an Intruder of lands seised into the Kings hands, as by an heire which holdeth in Capite before Livery sued, 1. H. 7. c. 5.

For

30. Aff. p. 1.
26. Aff. p. 37.
Dyer fol. 179.
Plow. fol. 146.

For by the Prerogative cap. 13. by his entrie he gaineth no feehold.) And in time become perpetual barres against al men, end strife, make peace, bꝛeade securitie and tranquillitie, which is the very fruit, effect, and end of all godly lawes.

Of the parties to fines.

Sect. 2.

In every fine two things are principally to be regarded, the persons, and the action.

Persons chiefly regarded in fines be the parties to the fines & the Judges.

Parties to the fines be the Cognizor and the Cognizee, which are the efficient causes thereof.

The Cognizor is he which doth knowledg the fine.

The Cognizee is he to whom the fine is leuied.

In the parties 2. things are specially to be regarded: Their Capacities, Names, and Estates.

Touching the Capacitie of the Cognizor, it is to be considered whether he be a person able to leuie a fine or no: namely whether he be void of all such impediments naturall & ciuill as may binder him in doing thereof.

What persons may be Cognizors, and what not.

Sect. 3.

All persons male and female may be Cognizors, but such as are prohibited that to doe by nature or law.

By nature through defect of the mind or of the bodie, but no longer then such defect indureth.

This defect of the minde is either naturall or casual.

Of Infancie.

Sect. 4.

Defects of the minde by nature, as by age, which is of Infants, that is, persons vnder thage of xij. yeares. as by Idocy, which ought not to be Cognizors, because the law intendeth they want vnderstanding & discretion what to do in this behalfe: Yet if a fine be leuied by an Infant, it cannot be reversed but by himself by voyt of Error during his infancie, that the Court may see him and thereby iudge his age, 50. E. 3. 17. E. 3. 52. and 78.

Impediments of the minde casual, such as affect, are furious madde men, Lunatiques, Ideots, men hauing the Lethargie, wherunto may (as it seemeth) be added botting old persons wanting discretion, men drunkē, who ought not to be Cognizors, for their fines are not reuersable, because y fine it selfe argueth their habilities, for the law intendeth that Judges will receiue no cognizances of such persons, 17. E. 3. 5. and 78. 17. Aff. 17.

¶ 4.

Defects

Fines and Concords.

Defects of the bodie.

Sect. 5. **D**efects of the bodie be such infirmities thereof by which the principal sentences necessarie for vnderstanding and to declare their contents are wanting: Of which sort be such as are blind, deafe, or dumbe, naturally.

But persons blind, deafe, or dumbe accidentally may make cognizance if they can expresse their meaning by writing.

Impediments legall or ciuill.

Sect. 6. **L**egall impediments be when such persons be prohibited by law as by nature are able to leuie fines.
And they are either by reason of subiection or ioint power.

Of legall subiection.

Sect. 7. **S**ubiection legall is when persons be vnder the rule of others, as a feme couert to her husband, 2. H. 5. 9. E. 3. 28. A villeine to his Lord 33. E. 5. Persons ciuilly dead, as Friers, Nunnes, Monkes, Chanons professed, and other like superstitious votaries, who are in subiection to their Soueraignes, 14. H. 8. 16. 2. R. 2. 5.

Of couerture.

Sect. 8. **A**nd therefore a feme couert within age ought not to leuie a fine, And so that she cannot reuerse it during the couerture, nor after if the couerture continue till she be of full age, 50. E. 3. 5. 27. Aff. pla. 53.

And a feme couert ought not to leuie a fine but with her right husband, 7. H. 4. 23. 42. E. 3. 20.

But a fine leuied by a feme couert without her husband or her owne Landes wherein she hath fee simple, is an estoppel against her and her heirs, if her husband auoid it not by entrie, or otherwise, as he may during his wiues life, and after her death during his owne life, as if he be tenant by the Curtesie, 17. E. 3. 52. and 78. 17. Aff. 17. 7. H. 4. 23. But if liuing her first husband she take a second husband, & with him and by his name knowledge a fine, this fine shall not bind her, because she is misnamed, 7. H. 4. 22. and 23. Yet if she with her right husband by a wrong Christian name leuie a fine, she is estopped during her life, 1. Aff. pla. 11. Brooke Fines 17.

A feme couert must beware how she with her husband do leuie a fine of her iointure, least she thereby lose her dower, Trin. 19. Eliz. Dyer fol. 359. pla. 49.

Neither ought the husband without his wife to leuie any fine of her Landes, for she and her heirs may auoid it after his death, 32. H. 8. cap. 28. 12. E. 4. 12. 42. E. 3. 20.

Villeines.

And Villeines by knowledging such fines should preiudice their Sect: 9.
 And so, thereby becoming them of the lands aliened, so such fines
 be good.

Persons dead in law.

And fines lenied by persons civilly dead, are utterly void. Sect. 10.

Imprisonment.

And if men compelled by threatnings or imprisonment should be Sect. 11.
 admitted to lenie fines, they should thereby be barred, because the
 law intendeth such persons are at liberty when they knowledge fines,
 17.E.3.52.78.17.Aff.17.

Of persons hauing ioint power.

Persons prohibited to be Cognizors by reaso of ioint power, are they Sect. 12.
 that haue ioint power & authoritie with others, as the single mem-
 bers of euery Cozpozation or Society, As a Bishop without his Dean
 & Chapter, A Deane without his Chapter, an Abbot or Prior without
 his Conent, A Parson, Vicar, Prebendary, or Chauntry Priest without
 their Ordinary, A Spaior without his Cominalty, Pastors of Colled-
 ges without their fellowes, & of other Societies incorporate, may not
 lenie fines, Pl. 375. b. 11. El. 538. a. 20. El. 21. E. 4. 13. 17. H. 4. 68. 12.
 H. 4. 11. & 12. 38. E. 3. 33.

Of the estates of Cognizors.

Albeit every fine be good to bind the parties, yet for the validitie of Sect. 13.
 the fine it is convenient, that either the cognizor or the cognisee be
 seised of the lands aliened, 41. E. 3. 14. 22. H. 6. 13.

For the fine is void if neither of the parties be seised at the leuying
 thereof, 41. E. 3. 14. 33. H. 6. 18. 3. H. 6. 27. 27. H. 8. 4. & 20. 37. H. 6. 34.
 13. Aff. p. 8. 3. H. 7. 9. 5. E. 3. 22. H. 6. 57.

Yet the vouchee after he hath entred into the warrantie, may lenie a
 fine vnto the demandant, though in fact neither of them is seised: For
 such vouchee is tenant in law and may confesse the Action, because of
 the plaintie between him and the demandant. But a fine by him so leu-
 ed to an stranger is void, 8. H. 4. 5. 5. H. 7. 40.

Persons attainted or wayued in personall actions, may alien by fine
 or otherwise, for their estates remaine in them still, though they thereby
 loose the profits of their lands, 9. H. 6. 20. 21. H. 7. 7.

And persons attainted of felony or Treason may not be Cognizors,
 by reason that by their offences their estates bee forfeited: But if they
 be, their fines be good against all persons, but the King and the Lord of
 whom the lands be holden for their times, 8. Aff. pl. 25. for their estates
 remaine

Fines and Concords.

remaine in them during their lives.

Also tenant for life may leuise a fine for graunt & releas of þe lāns which he holdeth for life, to hold to the cognisee for life of the tenant for life, & it is no forfeiture, 44. E. 3. 36. But if þe estate were larger, or the fine for cognizance de droit come ceo que &c. it were a forfeiture of his estate, 4. H. 7. fol. 28.

The same law is of such fines by tenant in taylor after possibilitie, tenant in dower, or by the curtesie, 39. E. 3. 16. But such fine of a rent seemeth to be no forfeiture, 2. H. 5. 7. Yet a particular tenant, as in dower, by curtesie, or for life, cannot by fine grant & surrender their estates to the owner of the reversion or remainder, but may by fine graunt and releas the same, 17. E. 3. 62. 24. E. 3. 26. 20. E. 3. & 14. E. 3.

A tenant in common or Jointenant may leuise a fine of his part, 26. H. 8. 9.

So may a Copartner of his part, Dier 334. pl. 30. Pas. 16. Eliz.

A fine leuied by the heire who is an intruder upon the kings possession is voyde per le Prerog. cap. 13. 1. H. 7. 5. 24. E. 3. 65. But if such fine be leuied without intrecution, it bindeth the cognisee and his heires, 2. H. 7. 5.

If a disseisee leuise a fine with proclamation, & the disseisee within 3. yerres after do not enter or claime, he & his heires be barred for ever, Pl. fo. 353. El. inter Stowell & Zouch.

Also fines may be leuied by the tenant in tails general, or special, And by tenant in fee simple, And by tenant in remainder or reversion.

¶ Having thus passed the capacities and estates of Cognizors, let vs haue consideration how they may be named.

How Cognizors are to be named.

Sect. 14.

T Ducting the names wherby parties to fines ought to be named, for so much as names be to no other end inserted into fines and other writings, then that it may be certainly known, who be the parties thereunto, it is requisite that they be certainly named by their right names of baptisme and surnames, whether the same be King, Prince, Duke, Marquesse, Earle, Vicount, Baron, Lord, or knight, which be names of dignitie, (some of which are sometimes named without their surnames, as George Comes Salop without his surname, Iohes Dux Lancastrie), or be an Esquire or Gentleman, which be names of honor, nobilitie, & honor, 14. H. 6. 15. 21. E. 4. 84.

Whose additions nevertheless of curtesie are commonly used in fines, as Jo. Wyron Esq. W. D. armig. L. L. gener. or if he be a yeoman, husbandman, artificer, laborer, or any Ecclesiasticall person:

as Archbifhop, Bifhop, Archdeacon, Deane, Parfon, Vicar, Clerk, &c.
Or any Corporation, or bodie ciuill, politique, or corporate, having com-
ment of common feale: as Baylifs and Burgefles, &paio, and Commi-
naltie, or any other fraternitie or brotherhood, 11.H.4.44. 12.H.4.20.
14.H.4.21.7.H.6.27.

And albeit it be not neceffarie alwayes in fines to giue the parties
their proper additions of place, dignitie, eftate, degree, miflerie, or occu-
pation: Yet if there be two or moze in one parifh of one name and fur-
name, it ſeemeth requifite for diftinction ſake, to giue them ſome addi-
tions, &c. as J. S. ſenior or iunior &c. As if a man haue two ſonnes of one
name, or the father and his ſonne be of one name, the father ſhal not car-
rie the addition of ſenior, but the ſonne of iunior, and not the elder bro-
ther but the yonger, 37.H.6.29.47.E.3.16.

*What perſons may be Cogniſees in fines, and ſecondly by what names
they muſt be named.*

All ſuch perſons as may be graunties or take contracts, may bee Sect. 15.
cogniſes, as perſons of full age, Infants, ſemes couert, madde
men, lunatique, ideots, men impriſoned, men without the Realm, And
all Corporations and ciuill bodie, men attainted of felonie or treaſon,
men outlawed in perſonall actions, baſtards, clerkes conuict, villeines,
aliens, &c.

And if a fine be leuied to a ſeme couert, ſhe needeth not to bee exami-
ned, becauſe ſhe taketh by ſ fine: And if ſhe had any better eftate befoze
the fine, the fine ſhall not conclude her to claime it, 3.H.6.42.41.E.3.7.
30.E.3.9.24.E.3.62.

Neither ſhall an Infant being cogniſe be examined, 24.E.3.62. be-
cauſe the fine is for his benefite. Tenant for life may be Cogniſe in a
fine, by which the cogniſor doeth conſeſſe all his right, which he hath in
the lands, to be the right of the tenat for life, and releaſe & quite claime
to him and his heires, and not commit any forſeiture, for thereby his for-
mer eftate is not changed, & it may inure to him in reuerſus or remain-
der, 1.H.7. fol. 9.

And an Abbot, Deane and Chapter, &paio, and Cominaltie, & ſuch
like Corporations, may be cogniſes in fines: But befoze ſ ingroſſing
of the fine to ſuch a Corporation, a writ ought to be directed to the Ju-
ſtices of the common place, quod permittant finem illum leuari, 5.H.7.
25.19.H.6.15. A Priore may be Cogniſe, 22.E.4.15. E.4.22.

But perſons ciuilly dead, as Monkes, Channons, and Friars, can
not be cogniſes, becauſe they be vnder the rule of others, and want ci-
uill capacitie, 5.H.7.25.19.H.6.25.

A Cogniſes in fines muſt be named by their right proper names and By what
A iij. surnames: names,

Fines and Concords.

surnames: for a fine being leuied to A. and B. in his wiffe, (where her Christin name was Isabel) was holden void, 1. Aff. pl. 11. See the Section how the Cognizors are to be named, and that will satisfie you for the naming of Cognizees,

Before what persons fines may be knowledged.

Sec. 16.

Having thus perused the capacities, estates, & names of cognizors and cognizees, it is time to enquire of the Judges, before whom this businesse may be handled: Touching which it is to be noted, that of these, some are Judges onely at the time of the cognizances and certification thereof.

And others at the time of the Concord.

And Judges of the Cognizances, are such persons as haue power to take such cognizance, either by vertue of their offices, or by some commission generall or speciall, graunted vnto them by his Maiestie out of the high court of Chancery.

All or two of the Iustices of the Common place may in open Court take knowledge of fines, & recozd them by vertue of their offices, 15. E. 2. cap.

And the chiefe Iustice of the Common place, by the priuledge and prerogative of his place and office, may take cognisance of fines in any place out of the court and certifie the same, without writ of Dedimus potestatem, Dier fol. 224. pl. 51.

And it seemeth by the Statute 15. E. 2. That if the parties be not able to trauel, two of the Iustices of the common Bench, with the consent of the rest, or one of them with a Knight, may go vnto the parties and receive and certifie the recognizances into the said Court, without any Dedimus potestatem to enable them thereunto. But this course is long sithence discontinued.

And it seemeth that Iustices of Assises by the generall words of their Patents may take and certifie cognizances of fines without any speciall Dedimus potestatem, for the words be in effect as followeth, that is to say: Necnon ad recipiend omnes fines, concordias, & recognitiones in circuitu suo, cōiunct & diuisim, recognosc p illa vice in circuitu illo, non obstante aliquo actu, statuto, siue ordinatione in contrarium &c.

Yet such Iustices vse not now to certifie them without a speciall writ of Dedimus potestatem, sued forth of the Chancery, directed vnto them, and giuing them thereby power to take and certifie such cognizances as they haue already taken, Dier fol. 224. pl. 51. 5. Eliz. 1. H. 7. 9. And fines haue bene leuied before Iustices Grants, Lib. Intra titulo Scire fac' in Ayde.

Of a Dedimus potestatem de Fine leuando.

Secl. 17.

A speciall commission for a fine is a writ of Dedimus potestatem directed to some persons to take the cognisances of the cognisors, which is graunted out of the Chauncerie, when Cognisors of fines, by reason of infirmities, or other reasonable cause, cannot come to the Court there to make cognisances thereof. This Dedimus potestatem must containe the substance of the writ of Covenant, and recite that it is thereof depending betwene the parties bearing Teste after the writ of Covenant: which writ of Dedimus potestatem ought to be directed to men of god credite & conscience, and expert in the Lawes, who must certifie the same with the Cognisances to the Justices of the common Pleas, as shall be shewed hereafter. And euery such Dedimus potestatem to a speciall commission must be signed by the Lord Chancellor, or Lord Keeper, and Lord chiefe Justice of the common pleas, or by some of the Justices of the circuit where the land lyeth.

But now many writs of Dedimus potestatem to take knowledge of fines bee directed to men of meane degree and small knowledge, with whom sometimes for fashion sake in such commission be iained Lords, Knights, and other of god credite: but be seldome vsed in the execution thereof. By means whereof oftentimes this busines is vnduly effected, and Recognizances of femes couert within age, and of other women neuer vnder examination, of Infants, as also of madde men, Lunatiques, Idiots, & men imprisoned, are sometimes certified, which would neuer bee suffered, if such Cognisors were for purpose either brought into the court, or before any of the Justices thereof, or before any Sericant, or Knight, or man of god conscience and discretion, who would sone perceiue their imperfections, & therfore refuse to take their cognisances in so weighty matters as fines be, which be the most binding bars in the law. Great care & heed therfore in my conceit is to be had, to whom such authority is committed, least it be so abused as is abovesaid. And writs of Error haue bene brought, because fines haue bin acknowledged by Dedimus potestatem before such as were neither Judge, abbot, knight, nor Sericant at the law, And therfore such recognisances haue bene refused, Br. Fines 120.

A Justice or other person being cognise in a fine, may not take cognisance thereof himselfe: for if he so do, the fine thereupon leuied is void, 3. H. 6. 11.

And when any cognisance of fines is taken, it seemeth convenient, that the persons before whom they be knowledged, do signe the note of the cognisance as it is commonly vsed for the credite thereof, Dier fo.

320. p. 19. H. 17. El.

And now by a late order, all fines taken by Dedimus potestatem by him

Fines and Concordes.

him that is not Justice of Assise in y^e circuit where the land lyeth, must be signed by a Justice of that circuit, Dier fol. 220. pla. 15. The forme of the Dedim^r poecellare appeareth amongst the adiuncts of concordes.

Judges in whom cognisances are to be certified, & before whom they are to be recorded.

Sect. 18.

Judges for the recording of fines be the Justices of the common pleas only, 15. E. 2. ca. 1. And therfore as is said, all cognisances therof must be certified thither, for in y^e Court onely all fines are to be leuied, Rot. withstanding 36. H. 6. 34.

And by speciall graunt a fine may bee leuied in a bafe Court, 44. Ed. 3. 38.

But fines leuied in Anciēt demesne by any custome same void, 44. E. 3. 38. And so in other inferior Courts, 50. Ass. pl. 9.

Also by the statute of 2. E. 6. ca. 28. fines may be leuied in the county Palantine of Chester.

And by 37. H. 8. cap. 19. fines may be leuied of lands in the Countie Palantine of Lancaster.

And by the statute of 5. El. c. 27. fines may be leuied within the county Palantine of Daresme.

Having thus run over the discourse of the persons vsed in fines, order requirith that we should now set vpon the very actions of Fines themselves.

Of the diuision of fines.

Sect. 19.

Fines diuided.

A fine without proclamation.

Discontinuance.

A fine with proclamation.

Every fine therfore is either without proclamations, or with proclamations.

At this day a fine without proclamation, which is also termed a fine at the common law, is such a fine as is leuied after such manner & forme as they were vsually leuied before, 4. H. 7. c. 24. vpon which no proclamations were made, which fines do still remaine of such force, as they were at the common law, to discontinue the estate of the Cognisor, if they be executed, 7. Ed. 3. fol. 35. 1. R. 3. cap. 7. Dyer fol. 216. p. 544. El. Pl. fol. 265. b. 4. H. 7. cap. 24.

A fine with proclamations (the same is also termed a fine according to the Statute) is a fine leuied with proclamation after the same manner ordeined by the statutes made 4. H. 7. cap. 24. 1. R. 3. cap. 7. Mar. c. 7. 32. H. 8. c. 36. 31. El. ca. 1. Pl. fol. 265. b.

Officers executed, and executaries.

Sect. 20.

A fine executed.

And every fine, aswel with proclamation as without, is either executed or executory.

A fine

Fines and Concords.

Sect. 24.

Whereof Fines be grounded.
If enery such writ the essentiall parts & the adiuncts are to be cōsidered: & principall parts thereof be the parties to the same, whereof we haue spoken already, And the things whereof a fine is leuied,

Sect. 25.

Of what things Fines may be leuied.
As touching the things whereof fines are leuiable, we are first to consider the nature of the things themselves, whether they will passe in fines or no: And then of their names, by which they may passe or not: And howe they may bee in order placed in the writs. Fines thesede may be leuied of all things inheritable being in esse tempore finis, and certainly expessed in the writs, 18.E. 4. 2. as de messuagio, roso, columbario, gardino, terra, prato, pastura, bosco, subbosco, bruera, mora, iuncaria, marisco, alneto, ruscaria, redditu, per Registrum fol. 2. a. de Rectoria Ecclesię parochialis de M. ac de decimis granorum, garbaru, & feeni, eidem Rectoriæ spectant &c. or cum omnibus decimis granorum, garbarum, & foeni eidem Rectoriæ spectant, Thel. Lib. 8. cap. 9. Sect. 2. de Rectoria 2.E. 3. de furlongo terr 4. Hen. 6. 14. de passagio ultra aquam de T. de pastura ad certos boues, oues, & alia aueria, ac de communia pro omnibus animalibus, vel pro omnimodis aueris, vel de libera piscaria, libera warrenna, vel de Aduocatione Ecclesię de D. vel de aliquo seruitio speciali, vt de seruitio vnius feodi Militis, vnius paris Calcarium deauratorum, vel de seruitio inueniendi hominem, equitem vel peditem ad eundum, vel ad equitandum cum le Cognitum in exercitu Walliæ vel Scocie, &c. de Piscaria 13.E. 3. de officio 27.H. 3. fol. 12. de proficuis officij 12.E. 3. de Aduocatione Regist. fol. 165. de Corodio 18.H. 6. fol. 20. 4.E. 4. 6. de chiminio 2.E. 3. fol. 49. de proficuo molendini 18.E. 3. fol. 56. de libero redditu in breui, and in the concord, Quod prædictus A. recognoscit prædicti redditum cum pertinentijs simul cum homagio & fidelitate B. C. & heredum suorum de totis tenebris quæ &c. 1.E. 3. fol. 1. et 5. de frankfold, 1.E. 3. fol. 1. de Nundinis & Mercatu 1.E. 3. fol. 4. de franchisia 1.E. 3. fol. 4. de Minera plumbi, & cuiuscunque generis metalli cum pertinentijs, &c. Reg. fol. 165. de decimis garbarum ad Ecclesiam de N. qualitercunque spectant Reg. fol. 165. de Aduocatione tertie partis Ecclesię, &c. or, de tertia parte Aduocationis Ecclesię or, de medietate aduocationis Ecclesię, or, de aduocatione medietatis Ecclesię, 45.E. 3. 12. 33.H. 6. fol. 11. de Communia 4.E. 4. 6. de caruca terræ, de pastura ad cent boues, de homagio, de feod Militis Reg. fol. 166. 167.

And a fine may be of a rent charge which had no being before, 1.E. 3. 44.

Or of a chiefe rent or other rent in being, 18.E. 4. 12.

- D^D Of a Seignioy, 48.E.3.23.
 E^D Of a quitaile, 30.E.3.23.
 F^D Of a Chauntry, 38.E.3.33.
 G^D And of many other things may fines be leued.

I^I And as fines may be leued of things in possession, so may they be leued of a Remainder, or Reuerſion, 42.E.3.7. 44.E.3.45.

I^I And a Reuerſion or a Remainder will paſſe by the name of the lands, 43.E.3.22.

K^K But where a fine is of a reuerſion or a remainder, it behoueth the cognize to ſue a Quid iuris clamat againſt the tenant: When it is of rent, a writ Quem redditum reddit: And where of a Seignioy or ſeruices, Per quæ ſeruicia, to compell the tenant to attourne, as ſhall be ſhewed hereafter.

Of a Reuerſion or Remainder.

L^L Fines may be leued of thinheritance or ſcæhold of parſonages, vicarages, porcions, penſions, tithes, oblations, or any other Eccleſiaſtical profit, made tempoꝛall, and admitted to abide in tempoꝛall hands, and lay vſes, by the lawes, and ſtatutes of this Realme of England, 32.H.8.cap.7.

Of Eccleſiaſtical lands made temporall.

M^M And to conclude, fines be leuiable of all things, whereof a Precipe quod reddat lyeth, as will appeare by the examples following.

N^N And lands bought of diuers perſons may paſſe in one fine, and then the writ of Couenanc muſt be brought by all the vendours againſt all the vendours: And euery vendour muſt warrant againſt him and his heires onely: ſo it is abſurd that one man ſhould warrant the ſale of an other without conſideration.

Of diuers purchases.

O^O And ſuch ſoynt fines ſeeme reaſonable, eſpecially where the ſeueral purchases be of ſo ſmal value as the charges of a fine would exced the value of ſome of them.

P^P But fines may not be leued of things incertaine: as de tenemento, 3.E.4.19. 11.H.7.25. 12.H.7.6. 47.E.3.

Incertainie. Tenement.

Q^Q Of lands given in taile by the king, ſo it is void againſt the iſſue in taile and the king, 32.H.8.cap.36. Br.Fines 121.

Taile by the King.

R^R Of lands reſtrained from being ſold by act of Parliament, 32.H.8.cap.36.

Reſtrain.

S^S Of lands of the huſband or of his anceſſors aſſured for Jointure, dower, or in taile, to any woman by meanes of her huſband or his anceſſors, ſo ſuch a fine worketh a preſent forfeiture of her eſtate, if ſhe grant a greater eſtate then for her life, 11.H.7.ca.20. Plow.fo.269.

Dower. Jointure. Forfeiture.

T^T Of lands ſeiſed into the kings hands befoꝛe Livery or Outſterle manageſed, 24.E.3.65.

Lands ſeiſed.

V^V Of lands in Ancient demefne: ſo if any fine be leued of ſuch lands, it may be reuerſed by a writ of Diſceit, brought by the Lord or Ancient

Ancient demefne.

Fines and Concords.

Ancient demesne, & thereby he shalbe restozed to his seigniorie, & it seemeth to be void between the parties, quia, corā non Iudice, 7. H. 4. 44. 8. H. 4. 23. 21. E. 3. 20. Reg. fol. 13. b. de Fine annullando &c.

Yet it is holden good to bind the parties, 17. E. 3. 31. and 7. H. 4. Br. Fines 101. which seemeth not to be law.

Auncient demesne and lay fee.

But if such fines be of lands in Ancient demesne and of lands at the common law, it shall be still good for the lands at the common law, 7. H. 4. 44. 21. E. 3. 20.

By what names things may passe in Fines.

Sect. 26.
Names.

Now that we have partly set downe what may passe in fines, let us see by what names the same may passe. An Honor, this may passe by the name of a Mannor, or by his proper name: as de honore de Tickhill, or de manerio de Tickhill.

A Manor.

It sufficeth also to demand a Manor by his proper name without naming of the Town wherein it lieth. For it may be out of any town, or extend into severall towns and counties: as, de manerio de D. cum pertin. yet it seemeth best to expresse all the severall towns into which it extendeth: as, de manerio de S. cum pertin in D. et E. 19. Ed. 4. f. 9. a. 43. E. 3. fol. 9. a. Bracton Lib. 4. ca. 31. Sect. 3. 9. E. 4. f. 61. 9. a. 16. a. 17. b. 11. H. 7. fo. 22. b. 49. For if any of the Towns, into which the manor extendeth, be omitted, nothing of the Mannor in that town passeth, 5. E. 4. 103.

A Castell or Hundred.
Manor.
Castell.

A Castell or a Hundred may be parcell of a Mannor, and passe by the name of the manor, wherof they be parcel, 26. Ass. 54. And one Mannor may be parcell of another, 2. E. 3. fo. 16. And a Castell may be demanded by his proper name: as, de castello de B. cum pertin. 1. E. 3. fo. 4.

Hundred.

An Hundred may be demanded by it selfe: as, de hūdro de S. 27. H. 6. fol. 2.

A Mesuage.

Mesuage is a dwelling house. By the name of a Mesuage, may passe a Curtelage, a garden, an orchard, a dovecote, a shop, a mill, as parcell of an house, Bracton Lib. 5. c. 28. Sect. 1. Plowd. fo. 169. 170. 171. The like of a cottage, a toft, a chamber, a teler, &c. yet may they be demanded by their single names.

A Chappell.
A Hospitall.

A Chappell or an Hospitall must be demanded by the name of a mesuage, 13. Ass. 2.

A Toft.
A Curtelage.

A Toft is the place wherin a mesuage hath stood.

A Curtelage is a garden, or a yard, or fold, or a piece of a void ground, lying nere and belonging to a mesuage, Plow.

A Mille.

Molendinum is good without adding ventriticum, or aquaticum: albeit the later be more usuall, 44. E. 3. fol. 13.

A Reversion.

Of a Reversion, by the name of the land, or otherwise, 43. E. 3. 11. Land

Land is to be demaunded by the certeine measure of the superficial quantitie thereof: as hida, carucata, bouata, virgata, acra, roda terre. Land.

In like maner boscus, subboscus, bruera, mora, iuncaria, mariscus, & alnetum, et ruscaria, may be demaunded by the number of acres thereof

All.

Turbarie may be demaunded by the name of More.

Rent by the multitude and number of the things which are to be rendered: as, x. libſ, oꝝ sex denar, oꝝ vno obular, oꝝ quinque solidas reddit.

Houſebote, Haybote, & Plowbote, may be demaunded by the name of Estouers: thus, de rationabili estouerio in boscis, viz. in decem acris bosci ipsius A. in D. &c. Estouers.

Parsonages, Rectories, Aduowſons, Vicarages, oꝝ Tyths impropriate, passe not by the names de Aduocatione Ecclesie, but de Rectoria Ecclesie de S. cum pertiñ. A Parsonage.

But when it is but of a Presentation, it must be de Aduocatione Ecclesie de S. and not cum pertiñ. A Presentatio.

And of all Vicarages endowed, the writ must be de Aduocatione Vicarie Ecclesie de S. and not cum pertiñ. A Vicarage.

And where no Vicarage is endowed, it passeth vnder these wordes, de Aduocatione Ecclesie de S. &c.

An entier manor, mesuage, oꝝ other tier thing, be diuided oꝝ parted, & after a fine is to be leued of some of the parts of the thing so severed, the writ must not the fine be de medietate, oꝝ quarta parte, oꝝ other part, of the manor, mesuage, oꝝ other thing, but such part must be demaunded by the name of a whole thing: As, if the manor of D. be diuided into 2. parts, the fine of thone part (if the diuision be so made, that the manor of the part be not extinct) must be de manerio de D. So, if a mesuage and xx. acres of land be parted into two parts, the fine of thone part must be de vno mesuagio et decem acris terr. &c. and not de medietate vnius mesuagij, et xx. acrarum terr: so the things new diuided from the rest, are now become whole things by themselves, though losse in quantitie then the whole was before diuision thereof made. If a thing be twise named in a writ of Covenant, it hureth not: as a manor and an hundred parcell of the same manor, 27. H. 8. 2.

If lands in diuers shires passe, there must be severall writs of Covenant thereof accordingly, and but one Concord, Dyer 227. pl.

44. H. 5. E. 4. 33.

Of the names of the place wherein the lands do lye.

And the place wherein the lands do lye, is taken to be parcel of the same thercoſt. And therefore we must regard the places wherein the lands do lye, as the shire, Town, Parish, oꝝ Hamlet: so a fine is good

111.

Sec. 27. Place.

Diuers Shires

Twise named.

Parts severed.

Land.

Rent.

Estouers.

A Parsonage.

A Presentatio.

A Vicarage.

Parts severed.

Twise named.

Diuers Shires

Twise named.

Parts severed.

Land.

Rent.

Estouers.

A Parsonage.

A Presentatio.

A Vicarage.

Parts severed.

Twise named.

Diuers Shires

Twise named.

Parts severed.

Land.

Rent.

Estouers.

A Parsonage.

A Presentatio.

A Vicarage.

Parts severed.

Twise named.

Diuers Shires

Twise named.

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Twise named.

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Land.

Rent.

Estouers.

A Parsonage.

A Presentatio.

A Vicarage.

Parts severed.

Twise named.

Diuers Shires

Twise named.

Hamlet
Towne de-
caied.

In a Hamlet, 38.E.3. fol. 19. 8.E.4. fol. 6. and 7.E.6. Br. Fines 44. and 91.
or in a Towne decated, 7.E.6. Br. Fines 91.

Nevertheless, it is also good to name the Towne wherein the ham-
let is, as it seemeth, and that with addition, for distinction, if there be
others Townes of the same name in the same Countie.

A Manor in
diuers townes.

And if a Manor extend into diuers Townes: as, A. B. C. it is good C
to expresse all, & none: as, de Manerio de S. in A. B. C. for if any of the
Townes be omitted, none of the Manor in that towne passeth. Per a
fine of a Manor cum pertinenz would haue carried the whole Manor,
7.E.4. 6.

Two Manors
of one name.

But if a man haue diuers Manors of one name: as, South S. and D
North S. it is good, in a writ of one of the same Manors, to expresse
certainly which of them is intended to be passed, 47.E.3. 12.H.7.6.
Albeit it is thought good ynough by the name of the Manor of S.
without addition: for certaintie is alwaies best.

How severall things must be placed in writs of Covenant.

Sec. 28.

Orderly pla-
cing.

Worthiest.

Things gene-
rall.

Whole things.

Parts.

Things ex-
cepted.

Pertinentiz.

Now that we haue partly learned, of what things Fines may be
lenied, and by what names: it seemeth time to shew in what
order and forme they must be therein placed one before another, when
diuers things passe by one writ, for which we may obserue these rules.
First the things worthy things must be put before the things lesse wor-
thy: as a Mesuage is set before a land, a Manor before a mesuage, a
Castle before a Manor, 7.H.6.39. Plow. 168. 169.

Secondly, things generall before things speciall: as land (being the
generall, or genus to meadow, pasture, wood, luncaria, mariscus) is first
to be placed: And wood (being the generall to wood groundes, as alne-
tum, salicetum, &c.) is to be set before them in the writs.

Thirdly, entier or whole things are to be set before their parts: as, C
de Manerio de C. & medietate manerij de B. cum pertinenz &c.

Fourthly, parts of things excepted, must succede those things out D
of which they be excepted. And if there be diuers parcels in one writ,
that parcell, out of which the exception is to be made, ought to be last
placed, Registr. fol. 6. as, de Manerio de D. cum pti in C. (excepto vno
mesuagio, duabus acris terre, & aduocatione Ecclesie de C. &c.)

And euery thing excepted ought to be certainly named. 31. needeth E
not to say cum pti after the thing excepted, 40.E.12.3.

And the exception must alwaies be of such things, whereof the writ toll F
lis, & be mentioned therein, Plow. fol. 361.a. 362. b. 370.a. Registr. fol.
228. 229. of which for the present, shew thou sample inuing: viz.

Præcipe A. B. quod teneat C. D. conuene' &c. de vno mesua- G
gio, vno cotagio, & medietate vnius mesuagij, & decem acrarum
terræ

terra cum pertiñ, excepta vna acra terræ in N. &c.

And finally the forme & order of placing the particulars in a writ of *Regula*
Covenant, is in all things as in a *Præcipe quod reddat* of lands.

And further, observe the rule of the Register fol. 2. which partly ap-
peareth in these verses ensuing.

suagium, tum, lendinum, umbare, dinū, ra, tum, tura, cus, ra, *Regula.*
• *Meſ, toſ, mol, col, gar, ter, pra, paſ, boſ, brue, mora.*

ria, cus, rum, caria, ditus.
Iunca, maris, alne, ruſ, red, ſectare priora.

The writ of Covenant muſt beare Teſte befoze the writ of Dedi- *Writ.*
mus poteltatem, 35. H. 8. Br. Fines 116.

Of Adjuncts proper to the Writs whereof Fines be leuied.

Of Adjuncts proper to writs of Covenant, and other writs upon *Sect. 29.*
which fines be usually leuied, ſome be internall Adjuncts, and
ſome externall.

Adjuncts internall, be the daies of returne, and the date of Teſte of *Adjuncts*
the writ, which be alſo common to other writs. *internall.*

In the Returne it is to be obſerved, that there be 15. dayes at the *Returne.*
leaſt betwene the Teſte, and the day limited for the returne thereof,
12. E. 4. 11.

The Teſte of date muſt not be upon any Sunday, or other feaſtſual *Teſte.*
day, which is not dies iudicis in Court.

External Adjuncts to writs be, the writing, the Latine, & affidavit, *Externall.*
or composition, the ſigning, and the payment of the fine, & returning,
which be in like maner common to other writs.

Touching the writing thereof, it is moſt to be ſaie written with- *Writing.*
out railing or interlining of any principall matter therein, for ſuch ra- *Raſing.*
ling or interlining will overthrow the writ in ſome caſes, 45. E. 3. 18. *Interlining.*

Alſo it becometh that there be no falſe Latine in any ſuch writs, 7. *Falſe Latin.*
H. 6. 34.

And therefore ſuch writs ſhould heedfully be examined ſinte of thire *Examination*
over, for feare of errors. *of writs.*

The form uſed in the returning of ſuch writs will appeare amongſt *Returnes.*
the preſidents, for the returnes are nothing elſe but the ſubſcries an-
ſweres touching that they are commaunded to do by the ſame writs.

Upon what writs fines may be leuied.

For ſo much as no fine can be leuied but upon ſome originall writ, *Originals.*
Sac de Finibus, 3. E. 1. we are now to conſider upon what originall
writs

Fines and Concords.

Writs fines are leuible.

Couenances

A writ of Couenances is the most vsuall writ toberupō fines are leuied Fitz. Nat. bre. fol. 146. f. 35. H. 8. Br. Fines 116. Carliel St. 15. E. 2.

Warrantia cartæ.

¶ Yet may fines be leuied vpon a writ Warrantia cartæ, 18. Ed. 4. 22. Carliel St. 15. E. 2.

Mesne.

¶ vpon a writ of Mesne, 18. E. 4. 2.

Customes and seruices.

¶ vpon a writ de Consuetudinibus & Seruitijs, 22. Aff. p. 37. Pal. 14. Eliz. Dyer fol. 179. pla. 46.

Right.

¶ vpon any writs of Right, 7. E. 3. fol. 335. Plow. fol. 358.

Without originall.

¶ Yet Tremayle Justice holdeth, that if in a Precipe quod reddat against the tenant for life, which maketh default after default, he in the reuerſion or remainder be receiued, a fine may be leuied of the lāo betwene the demandant and him in the reuerſion or remainder, Ideo Quære, 21. E. 4. 4.

Quod permittat.

A fine may be vpon a writ Quod permittat habere chiminum vltra terram le Cognizo, 2. E. 3. 19. Fitz. Fines 102.

Sec. 30.

The severall formes of Concords.

Sec. 30.

A Concord is the very agreement betwene the parties both the lands shall passe, in the forme whereof many things are to be regarded: As if it be single, whether it be sur cognizance de droit come ceo que il ad de son done, ¶ sur graunt, done, releas, or confirmation. ¶ if it be a double fine with a render, what estates are to be created thereby, and of the reservation of Rents nomine pœne, and clause of distress, and seruices, with the clause of warrantie. For which it is to be noted, that when a fine is leuied to diuers Cognizors, the right shall be limited to one of them onely, & the state limited to his heires onely whose right it is knowledged to be, 3. H. 6. 42. 21. E. 3. 33. 43. E. 3. 11. 24. E. 3. 64. as thus:

Et est concordia talis, scilicet, quod predictus A. cogn' ten' p'dict' cum pertin' esse ius ipsius B. vt ill', que idem B. & C. h'ent de dono pred' A. Et ill' remisit & quies clam de se & heredibus suis p'sius B. & C. & heredibus ipsius B. & C.

¶ But the kings tenenat in Capite may knowlege the right of his lands to be in diuers for the kings benefit, in hauing many such tenants in Capite, 7. H. 7. 4.

And likewise the releas & warranty must be from the heires of one of the Cognizors, 44. E. 3. 21. for in a fine from diuers, the se must be supposed to be in one of them onely, 21. E. 3. 33.

In a fine sur graunt & render, none can take the first estate vpon render, but some of the Cognizors, but Reuerſions or Remainders any stranger may take: For if A. knowlege a fine to B. & B. render to the said A. Habendum sibi & E. vxori eius, and the heires of their bodies

dis

les &c. by this fine C. must have none estate, because he is not named in the writ, 24. E. 3. 28. 30. H. 8. Br. Fines 108. 7. E. 3. 64.

And a man cannot by fine by way of remainder reserve a lease estate to himselfe then for: And therefore if A. knowledge a fine to B. in fee, and he render to A. in taile, the remainder to himselfe for life, this remainder is void, for A. had fee simple before, 24. E. 3. 28. 14. H. 4. 31.

And a Concord cannot be of any other thing then is contained in the writ of Conenant, and not of a foreign thing, if it be not consequent: As in a writ of land, rent, common &c. may be rendered issuing out of it, 18. E. 4. 22.

And a Concord may be with an exception of some part, 44. E. 3. 21. If a man will, he may make a Jointure by fine thus: If I. leise a fine to A. in fee for cognizance de droit come ceo &c. and after A. render to I. for life without impeachment of waste, the remainder to B. his wife for term of her life, the remainder to I. and his heires, 38. H. 8. Br. Fines 108.

The Spanors & tenements contained in the writ may be divided: As if a fine be leised betwene K. and P. of y. manors, which P. knowledgeth all his right of the said y. manors to be the right of the said K. as that which &c. for which K. granteth & rendereth thone manor to P. for life, with y. parts of the other manors, which P. holdeth in dower, To have thone manor, & two parts of the other manors, to P. for life, & remainder after her death to K. in taile. & that after the death of A. the third part shall remaine to another, 43. E. 3. 11. 45. E. 5. 12.

And in like manner a fine is leised of the manors of C. cum pertinen by A. unto C: which A. knowledgeth the right in C. as that &c. and C. granteth and rendereth the same to A. in taile, The remainder of the 4. part of the manors towards the West to the said A. & her heires, the remainder of another 4. part towards the East to J. in fee, the remainder of another 4. part towards the South to one K. in fee, and of the other 4. part towards the North to W. & his heires, it is good, 44. Ass. p. 11. & incertainly by 3. third parts to A. B. and C. in remainder severally, 18. H. 7. Br. Fines 111.

A fine leised to one in taile upon condition with remainder is holden to be good, 27. H. 8. 24. Plowd. 34. b. 24. E. 3. 62. Contra per Prisor, 33. H. 6. 52. and 44. E. 3. 12. But a fine with a reentrie was refused, 44. E. 3. 22.

A lease for yeres may be made by a fine in this form: The lessee must knowlege the tenements to be the right of the lessor, as that &c. and then the lessor must graunt the lands backe againe to the lessee for so many yeres as are agreed upon, reserving a rent with a clause of distress: But this fine will not bind the issue in taile, because he taketh by fine but

Fines and Concords.

but giveth nothing thereby. Br. Fines 106. tempore H. 8. 36. H. 8. Br. Fines 118. Plow. 4. ff. 14. Eliz.

And a lease for years may be made by fine to bind the tenant in tail, thus: The tenant in tail and the lessor to knowledge the tenements to be the right of an estranger as that &c. and the Cognitor to grant & render the tenements to the lessor for certaine years yielding a rent with a clause of distress, and then grant the reversion to the tenant in tail. 36. H. 8. Br. Fines 118.

If an estranger, which hath nothing in the lands, leuie a fine to him in the remainder in tail dependant sur estate pur vie, sur cognizance de droit come ceo que il ad de son done &c. and the Cognitor by the same fine render to the cognitor for years, de commencer al Mich. en. suant, & dieth, and al the proclamations are made after his death, The tenant for life after such time as y^e said leas is limited to begin dieth, it is adjudged a good leas to barre the issue in tail for the terme, 14. Eliz. Plowd. fo. 437. b. inter Smyth & Stapleton, which seemeth contrary to the opinion before, Br. Fines 106. 118.

A. by fine graunteth his tenements, which J. holdeth for life, and which after his decease &c. to W. for life, rendering rent &c. with a distress, saving the reversion, 44. E. 3. 45.

A fine sur cognizance de droit come ceo &c. is leuied to A. in fee rendering rent, this reservatiō is void, because the fine is executed, so no reservation can be but of a fine executorie, as surrender, 50. E. 3. 24. E. 3. 26. 29. E. 3. 1.

And if diuers ioine in a fine, the warrantie must be by them, & the heires of one of them which is the owner of the land, 44. E. 3. 1. 2. 1. E. 3. 27. 42. E. 3. 13. 24. E. 3. 66. Cont^r sur terres de Gauelkind, ibi.

A particular tenant, as for life &c. cannot surrender his term to him in the reversion or remainder by fine: But he may grant and releas it to him by fine, 44. E. 3. 36.

One Concord may be of lands in severall Counties, & the fine pro licenc^e concord of all extragted entirely: Yet must there be severall writs of Couenant, returnable all at one day, 6. Eliz. Dyer fo. 237. pl. 44. 15. E. 4. 33.

And finally in Concord, all the special names of things conveyed in the writ, whereupon the fine is leuied, are not to be rehearsed, but onely the generall words therein mentioned: as manors, tenements, rents, advowsons, common, &c.

As where the writ is de vno messuagio, vno gardino, vno pomario, decem ac^r terrar^{um}, v. ac^r prati, x. ac^r pasturar^{um}, iiii. ac^r bosci, & communia pastur^{um} cum pertiⁿ in C. &c.

The Concord hath, Recogn^{iti} ten^{ta} & co^miam pra^{ed}ictam cum pertiⁿentia

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inencijs esse ius &c. But the examples following will more plainly expreſſe this, and all the differing ſozmes of Concords heere beſoze mentioned.

A writ of Covenant of 3 meſſuages, and of common paſture.

PRæcipe &c. de tribus meſſuag' &c. cum ptin' in D. & T. & de com- Sect. 31.
munia paſtur p omnib' & omnimodis auerij, ac de paſtura p 400
ouib' cum pertin' in D. in parochia de C. Et niſi &c.

*Of one meſſuage, one curtilage, one garden, of are nt, and of
ſheepewalke.*

PRæcipe &c. de vno meſſuag', vna curtilagio, vno gardino &c. ac v. Sect. 32.
li. reddi cum ptin' in F. Necnon de libert' vnus ſaldagij & curſu-
ui cum ptin' in F. Et niſi &c.

Of Wood, and a Foldage.

PRæcipe &c. de centu ac' boſci cum pertin' in N. ac de libertate ſalda- Sect. 33
gij pro xl. ouibus cum ptin' in S. Et niſi &c.

Of Wood.

PRæcipe &c. de &c. et quatuor virgat' boſci &c. in parochijs de B. Sect. 34.
& L. &c.

*Of 2 parts in 3, parts diuided of 8 acres of land, of paſture, acres of
reed, and freſh and ſalt mariſh land.*

PRæcipe &c. de duab' partibus in tres partes diuidend', viij. ac' terf, Sect. 35.
xl. ac' paſtur, xl. ac' arundinarum, x. ac' mariſci friſci, et mariſci ſal-
li cum pertinentijs in D. &c. Et niſi &c.

*Of a Parſonage impropriate, and of the moiſie of
the tiſhes.*

PRæcipe &c. de Reſtor' impropriat' de H. cū ptin' ac de medietate Sect. 36
omnium decimarū, granor', bladorum, garbar', et ſceni, de terris vo-
cat' B. lands cum ptin' in H. pred' &c. Et niſi &c.

Of a manor, of rent, and of free foldage for ſheep.

PRæcipe &c. de maner' de &c. & decem ſolid' redd', ac de libero ſal- Sect. 37
dagio ouium cum ptin' in R. et de Hundred' de L. Et niſi &c.

*A Writ of Covenant by one of the kings Secretaries of the 3. part of 4. meſ-
ſuages, 4. cottages, one mille, gardens, orchards, lands, medowe, paſture,
more, turbarie, and rent, the 3. part of the view of franke pledge; of goods,
and cattels wayned, of felons, fugitives put in exigent, felons de ſe, deo-
dands, treaſure found, extrabur. and of the third part of a Parſonage.*

PRæcipe W. S. Militi dño M. quod ten' R. C. Milit', principal' Se- Sect. 38.
cretar' dñi Regis conuenc' &c. de tertia parte iij. meſſu', iij. cotag',
vnus molendin', x. gardin', x. pomar', 200. ac' terre, 200. ac' prati, 200.
ac' paſtur, 30. ac' moræ, 30. ac' turbar', & v. s. redd' cum ptin'
B. iij. in

Fines and Concords.

in A.B.C.D. ac de tercia parte Vis. franci pleg', bonor' et catalloz wauiaf, feloñ, fugitiuorum, vlagat, in exigen' positorum. fel' de se, deodand', thesau' inuent', ac extrahut cum pertinentijs in M. &c. Necnon de tercia parte Rector' ecclesię de K. cum pertin'. Et nisi &c.

Secl. 38.

A Writ of Covenant of Tythes.

Leit. II. **P**Rcipe T.N. Milit, q' ten' T. P. conuenc' &c. de p'ficiis granor', foeni, lane, et agnor', ac de omnimod' alijs decimis cum pertinentijs in M. Et nisi &c.

Secl. 39.

A writ of Covenant, of the Scite of a Monasterie, of messuages, of common of pasture for all maner of beasts, of rent, and rent of hennes, and rent worke.

Verb. II. **P**Rcipe A.B. q' ten' C.D. conuenc' de scitu Monast. de B. cum pertin'. Ac de xx. messuag' &c. ac de communia pastur' p' omnibus animal', ac de C.s. reddit', ac de redditu C. galinaf, et C. opes cum pertin' in E. & F. Et nisi &c.

¶ Et est concordia talis, scz. q' predictus A.B. recognouit pred' situm ten', communiam pastur', et redd' cum pertinentijs esse ius ipsius C. vill' &c. (cum relax' et warrant &c.)

A Writ of Covenant against the Father and the Sonne and heire apparent, of cottages, toftes, barnes, watermills, of one windmille, douehouses, gardens, Orchard, land, meadow, pasture, wood, marish, furres, heath, moore, rent, halfe a pound of pepper, of mine of coal, & the aduowson of a church.

Secl. 40.

Lin. II. **P**Rcipe F.M. armig', &c. & T.M. filio & heredi apparent eiusdem F. q' ten' F.F. & N.R. genit' conuenc' &c. de maner' de T. S. & H. iuxta N. super Trenta, Ac de xl. mess. 20. cotag', 40 toft', 30. horreis, ij. molend' aquatic', vno molend' ventritico, 3. columbar', 40. gardin', 40. pomaf, mille acf terraz, mille acris prati, mille acf pasturaz, 500. acf bosci, 100. maris. 100. iampn' & brues, 100. acf alneti, 110 acf iuncas, 500. acf more, 4. libr' reddit', & redd' dimid' vnus librę piperis cum pertin' in T. &c. Ac etiam de minera carbon' cum pertin' in T. & S. Necnon de Aduocat' Ecclesię de T. & H. Et nisi &c.

Secl. 41.

A writ of Covenant of Dismes and Tythes.

Botting. II. **P**Rcipe D.E. quod &c. teneat R.Y. armig', conuenc' &c. de decimis garbaru', granorum, & foeni cū p'is in R. & W. Ac de decima foeni in V. Necnon de decimis lani, agnor', oblationū, obuentionū, & emolumentorū,

& de omnibus alijs decimis quibuscunque, venien, crescen, & renouan' in W. pred'. Et nisi &c.

Avrit of Conenent against the husband and the wife of a Parsonage, and of the aduowson of a Vicarage, and of messuages, cottages, barns, and gardens.

PRæc' T.B. & A. vxori eius quod ten' C.W. armig' conuenet' &c. de Rectoria de L. ac de aduoc' vicaf de L. ac de decem Sect. 42.
messuag', x. cot', x. hort', x. gard' &c. cū ptiñ in L. p'd. Et nisi &c.

Præc' &c. q' iuste &c. de x. mes. &c. in W. Necnon de Rectoria eccles. de G. et de decim' granof, foeni, lanç, agnof, et omnium aliaf decimarum quaruncunq; in G. pred'. Ac etiam de aduoc' Vicaf ecclesiz de G. pred' cum pertinentijs. Et nisi &c.

A fine knowledged by one to two persons, of fixe messuages, with warrantie against him and his heires.

Surf. II. **P**Ræcipe W.W. q' iuste &c. ten' I.L. & A. P. con' &c. de Sect. 43.
sex messuag' &c. cum pertin' in C.W. & E. &c. Et nisi &c.

¶ Et est concordia talis, sc. q' pred' W. recogñ pred' tenementa cum ptiñ esse ius ipsius I. vt illa quæ ijdem I. & A. habet de dono pred' W. Et ill' remisit et quiet' clasm dese et hered' suis pred' I. & A. & hered' suis imperpetuum. Et præterea idem W. concessit pte et hereditibus suis, quod ipse warrant' pred' I. & A. & hered' ipsius I. pred' tenementa cum ptiñ contra predict' W. & hered' suos imperpetuum. Et p hac &c.

A fine by the husband and wife to two, of messuages, toftes, lands, medows, pasture, and rent, with warrantie against the Conuor and his heires.

Surf. II. **P**Ræcipe I.T. & A. vxori eius, q' iuste &c. ten' W. R. & R. Sect. 44.
D. conuenet' &c. de quatuor messuag', quatuor toftis, xl.

ac' terre, xx. acris prati, 120. ac' pastur', & quinque solidi & iiij. denarij reddit' cum ptiñ in S. Et nisi &c.

¶ Et est concordia talis, scilicet, quod predict' I. & A. recogñ prædictum tenementum cum pertinentijs esse ius ipsius W. vt illa quæ idem W. & R. habent de dono prædictorum I. & A. Et ill' remisit et quiet' clamauer' de ipsis I. & A. & heredib' ipsi' I. præf' W. & R. & hereditibus ipsius W. imperpetuum. Et præterea ijdem I. & A. concesserunt, p se et hereditibus ipsius I. quod ipsi warrant' p'dictis W. & R. & hered' ipsius W. pred' tenetum cum ptiñ cōtra predict' I. et A. & heredes ipsi' I.
B. iiij. imper-

Fines and Concords.

imperpetuum. Et pro hac recogn. remissione, quicūclatioñ, warrant, fine, & concord, ijdem W. & R. dederē predictis I. & A. ducentas & quadraginta libras sterlingorum.

A fine by two, and the wife of the one of them of land, medow, pasture, and of Wood, with warrantie against the Conusor and his heires.

Sect. 45.

Lincoln. II. **P**Recipe R. B. gen. & T. R. & M. vxor eius quod ten' T. B. gen. conuenē &c. de triginta ac' terre, duabus ac' prati, tribus ac' pasturæ, & sex acris bosci cum pertinētijs in C. Et nisi &c.

¶ Et est concordia talis, scilicet, quod pred' R. T. & M. recognouerunt tenementa pred' cum pertinē' esse ius ipsius T. B. villa quæ idem T. habet de dono predictorum R. T. & M. Et illi remiserunt et quiesclamaue' de ipsis R. T. & M. et hered' ipsius R. prefat' T. B. & hered' suis imperpetuum. Et preterea ijdem R. T. & M. concessē p se et hered' ipsius R. quod ipsi warrant tenementa predict' cum pertin' prefat' T. B. et hered' suis contra p'd R. T. & M. et hered' ipsius R. imperpetuum. Et p hac &c.

A fine by one and his wife, to one, of the reversion of the 3. part of 7 messuages, of gardens, lands, medow, pasture, and wood after the death of one, with warrantie against the Conusor and his heires.

Sect. 46.

Wilt. II. **P**Recipe T. V. & K. vxori eius, q iuste &c. teneant G. S. conuenē inter eos fact', de tertia pte 8 messuag', sept gardin, 40. ac' ter' x. ac' prati, 20. ac' pastur', quinquaginta ac' bosci cum pertin' in A. B. C. & D.

¶ Et est concordia talis, scilicet, quod pred' T. & K. recogn tertiam pte p'd cum p'tin' esse ius pred' G. & concess. q'd eadem tertia pars cum p'tin', quam M. B. vid' tenet ad terminum vite sue de hereditate ipsius K. die quo hæc concordia facta fuit, & quæ post mortem eiusdem M. ad ipsos T. & K. reuerti debuit, reman' pref. G. et heredibus suis imperpetuum. Tenend' &c. Preterea ijdem T. & K. concess. p se et hered' ipsius K. q ipsi warrant prefat' G. et hered' bus suis tertiam partem pred' cum p'tin' sicut predict' est contra se et hered' ipsius K. imperpetuum. Et pro hac &c.

A fine by a Lord Baron and his wife, to an Archbishop and one other, of three manors, messuages, tofts, cottages, milles, barns, gardens, land, medow, pasture, wood, fures and beathes, of rent, of the aduowson of a Church, and of the view of frankpledge, with warrantie against them and their heires.

Sect. 47.

Wilt. II. **P**Recipe I. L. Militi dño L. & I. vxori eius, quod iuste & sine dilacione teneant Reuerendo in Christo patri T. Y. permissione.

permissione diuina Archiepiscopo Ebor Angliz primati, et G.L. conuenit inter eos fact' de manerijis de R.K. et M. cum pertin', ac de quinquaginta messuagijs, quingentis tofts, ducentis cotagijs, sex molendinis, quingentis horreis, quingentis gardin, quinque mille acris terre, mille acris prati, sex mille ac' pasturæ, mille acris bosci, decem mille acris iampnorum et bruer, ac de quingent' libr' reddit' cum p'rin' in R.C.A. alias S.T.V.W.& E. Ac de aduocatione Ecclesie de E. p'd, Ac de visu franci pleg' de R.C. et A. pred'. Et nisi &c.

¶ Et est concordia talis, scz. quod predict' I.L. Miles, dominus L. et Ixor eius, recogn' maneria, tenita, redditus, aduocationem, & vis, franci pleg' p'd cum p'tinentijs esse ius ipsius T.Y. Archiepiscopi Ebor, vt il' quæ idem T.Y. Archiep'us & G.& L. habeant de dono p'dict' I.L. & Ixor eius. Et ill' remisit T.Y. Archiep'o & G.L. & hered' ipsi' T.Y. Archiepiscopi imperpetuum. Et vlt' i'dem I.L. et Ixor ei' c'cessi, p' se et hered' ipsius L. quod ipsi warratizabunt maneria, tenita, reddit', aduocac' & vis franci pleg' p'd cum p'tin' p'dict' T.Y. Archiepiscopo Eborum, et G.L. et hered' ipsius T.Y. Archiepiscopi contra omnes homines imperpetuum. Et pro hac &c.

A fine by two to one of manors, milles, houses, rents, and common of pasture, with warrantie against the consors and the heires of one of them.

ET est concordia talis, sc. q' p'dict' A. & B. recogn' p'd maner, molendin, columbar, tenit, reddit', coiam pastur' cum p'tin' esse ius ipsius C. vill' q' i'dem C. & D. habent de dono ipsorum A. & B. Et ill' remisit et quiet' clam' de se et hered' ipsius A. p'd C. & D. et hered' ipsius C. imperpetuum. Et preterea idem A. concessit, p' se & heredib' suis, q' ipsi warratizabunt p'd C. & D. et hered' ipsius C. p'd maner, molendin, columbarium, tenit, reddit', & communiam pastur' cum p'tin' contra se & hered' suos imperpetuū. Et vlt' idem B. concessit, p' se et hered' suis &c. (*vt supra.*)

Secl. 48.

A fine by one and his wife to one of one manor, of messuages, tofts, cottages, barnes, one water mill, a fulling mill, a winde mill, a done-house, gardens, orchards, land, medows, pasture, wood, fures, heath, moore, firs, & salt marsh, &c. free fishing, the aduowson of a Church by turnes, with a general warrantie.

Denon. Recipe I.H. & V. vxori eius, quod iuste &c. ten' R. P. generos. conuencion' &c. de manerio de B. cum pertin', ac de viginti messuagijs, duobus tofts, sex cotagijs, iiii. horreis, vno molend' aquatico, vno molendino ventricico, vno colum-

Secl. 49.

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columbario, viginti gardinis, decem pomarijs, centum acf terre, centum acris prati, mille acris pastur, decem acris bosci, viginti acris saliceti, centum acf iampnorum & bruerę, viginti acris morę, viginti acf turbarę, triginta acris mollet, sex acf iuncar, xx. acf marisci frisci, & xx. acf marisci falsi, duobus acris alneti, x. maris reddit cum pertin' in B. C. & D. Necnon de liberis piscar in aquis de O. C. & D. Ac de sepeciali piscar in aqua de S. Necnon de aduocatione ecclesię de B. alternis vicibus cum acciderit. Et nisi &c.

¶ Et est concordia talis, sc. q. pred' I. & V. recogñ maneria & tenementa, reddit, & liber piscar pred' cum pertin' ac aduocationem predictam esse ius ipsius R. vt illa quę idem R. habuit de dono predictorū I. & V. Et illa remisit & quiete clām de ipsis I. et V. & hered' ipsius I. prediēt R. et hered' suis imperpetuum. Et preterea idem I. & V. concesserunt pro se & hered' ipsius I. quod ipsi warrant pred' ō R. & hered' & assignatis suis pred' maner, tenementa, reddit, et liber piscar cum pertin', ac aduocac' pred' contra omnes homines imperpetuum. Et p hac recognitione, remissione, quiete clām, warrant, sine, et concordia, idem R. dedit predictis I. & V. xl. li.

A Fine by one de honore D. castro vicecomit' de S. cum hundred, insula de D. baronia de D. hundredo de D. burgo de D. vno feod' milit' de D. Scit', ambis' & precinct' of a monasterie, a manor, the scite of a manor, a grange, a parke, a prebend, one capitall messuage, mosses, tofts, cottages, a done-house, a fulling mille, a water mille, a winde mille, and of diuers other things.

Sect. 50

HEc est finalis &c. Anno regni &c. coram &c. Iustic' & alijs domini Reg. fidelibus tunc ibidem presentibus, inter I. A. quę & M. B. desore' de honore D. castro vicecomitat' de S. cum hundred' membris & pertin' suis, Insula de D. baronia de D. hundred' de D. burgo de D. vno feod' milit' in D. Scit', Ambis' & Precinct' nuper Monasterij de D. manerio de D. cum pertin', Scit' manerij de D. grangia de C. parco de D. prebend' de D. vno capitali mess. 2. mess. 2. tofts, 2. cottag', 1. colymb. 1. molendino fullonico, 1. molend' aquatico, 1. molend' ventritrico, 1. molend' granat', 1. molend' bladaf, 1. horreo, 1. gardin', 1. pomar, 10. acf terr, 10. acf prati, 20. acf pasturę, 4. acf bosci, 40. acf iampnos & bruerę, 30. acf morę, 50. acf marisci falsi, 9. acf marisci frisci, 30. acf iuncar, 9. acf iuncar, 6. acf alneti, 6. acf molleti, 4. acf terr' aqua cooperf communia pastur' pro omnibus vel omnimod' animalib', pro 100. ouibus, 10. equis, vaccis, porcis, spadonibus, &c. libera warren. libet

bet pīcat, libertate faldagij, libera falda, cīfio, falm, plumba, aqua fal-
fe puteo, viginf libf, 10. marcaf decē solidor, vno denario, vno ubulo &
quadrant reddif.

* Ac reddit vnus paris Chirothecarum, vnus paf calcarium deau-
raf, fagitte barbate, vnus paf calceorum, vnus vomeris, 1. libre cere, 1.
libf piperis 1. libre cumini, 1. clau gariophili, 1. rofe rube, 1. acus & fi-
li, 1. quarterij frumenti, 1. quartef ordeij, 2. bracei caponum, 40. gallorū
10. gallinarum, mille ouorum, & aucarum cum pertin' in D.

Ac de communia pafurę quam pred M.B. habet et habere solebat
pro omnibus auerijis fuis in centum acris pafurę ipfius I.A. in D.

Ac de omnib' vel omnimodis oblationibus, decimis granorum, gar-
barum, foeni, lane, lini, canabif, porcellorum, aucarum, angellorum, &c.
& alijs emolumentis quibuscunque fpecta n, pertine n, crescentibus fīue
exiften' cum pertinentijs in D.

Ac de theolonio, ftallagio, picagio, pontagio, infra burgum de D.
quodam corrodio vnus panis, vni' lagenę ceruifę pro omnibus homi-
nibus in D.

Et de gurgite & curfu aquę currēt a loco vocaf H. infra & p terf vo-
caf K. ad molend' vocaf S.

Wera fīue veda in D. Ac de vif. franc' pleg' libertate et franchefijs
in D. Necnon de custod' fīue officio custod' de B. custod' parci et fo-
refte de D. Ac de officio Senefchalcię de D. Balliua fīue officio balli-
ua de D.

Necnon de Nundinis de D. fingulis annis ad fefta de N.M. ibidem
tenend', Mercat de D. quiet fīue libero paffagio vltra aquam D.
Reftoria de D. aduocatione, prefentationē, donatione, libera difpositio-
ne, & iure patronaf Ecclefie de D. quadam porcione decimarum aut
pencionum in D.

Necnon de medietate manerij de D. cum perti n, & de tertia parte
tenit de C. in tribus partibus diuif. Except & omnino referua f patrona-
gio vna cū aduocatione Vicarię ecclefie de D. et Capell' eidem Re-
ftoriz annex', ac omnibus decimis granorū, vif. frāc' pleg', ac omnibus
quę ad vif. franc' pleg' perti n, wardis, maritagijs, efchaet, cattall' felo-
num, wauiaf, extrahuf, felo n, fugitiuorum, vlagaf, attinēt' cum terf et te-
nemenf vlagaf & wauiaf, quibuscunque ferijs, mercaf, wrecc' maris, ac
tot & tantis iuribus, iurifdictionibus, priuilegijs, franchef. & libertaf te-
nemenf pred', aut aliquod eorum concerne n & eidem M. B. et heredi-
bus fuis vt de manerio de D. fpecta n.

Vnde placitum cōuentionis fūmmonit fuit inter eos in eadem Curia,
Scilicet, quod pred M. recognonit predi et' honorem, castrum, viceco-
mitatum, Iufulam, baroniam, hundredum, burgum, feod' milit', fcitum,
manerium, parcum, prebend', tenemenf, reddit', communiam pafura,
liberam

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liberam warrennam, liberam piscariam, libertatem salin', plumbarum, bullar' puteum, rector', decimas, oblationes, theoloneum, stallagium, picagium, pontagium, corro', gurgitem, vii. fran' pleg', libertates, franches. custod', officium seneschall', balliuat', nundinas, mercatas, seriam, passagium, wreccum maris, medietatem & tertias partes cum pertina, Ac aduocationes, presentationes, liberam dispositionem, ius patron', portionem, et pensionem predictas esse ius ipsius I. Vt illa que idem I. habet de dono pred' M. Et ill' remis. et quiet' clar' de se et heredibus suis p'd I. et hered' suis imperpetuum.

Et præterea idem M. concess. pro se et hered' suis, quod ipse warrant' pred' I. et hered' suis pred' honorem, castrum, vicecomitatum, insulam, &c. (vt supra) contra se et hered' suos imperpetuum. Et p' hac recognitione, sine &c.

A fine of a rent by an Earle and his wife.

Sect. 51.

Rotting. II. **P**Recipe I. Comiti H. & domine K. vxori eius Comitissæ H. quod iuste & sine dilatione ten' W. C. conuic' &c. De quadraginta libr' annui reddit' exeuntis de manerijs de E. &c. Et nisi &c.

¶ Et est concord' talis, scilicet, quod pred' Comes & Comitissa recognouerunt reddit' predict' cum pertinentijs esse ius ipsius W. vt illa que idem W. habet de dono predict' Comitis et Comitisse. Et ill' remisit & quiet' clamauit de se et heredibus suis pref. W. & heredibus suis imperpetuum. Et præterea ijdem Comes et Comitissa concedunt p' se & heredib' ipsi' Comitis, quod ipsi warrant' redd' pred' cum pertin' pref. W. & hered' suis contra omnes homines imperpetuum. Et pro hac &c.

A fine of the third part of a rent by the husband and wife.

Sect. 52.

Suff. II. **P**Recipe R. & I. vxori eius quod teneant H. C. conuen' &c. de tertia parte quinque libr' sex solid' & octo denar' reddit' cum pertinentijs exeunt' de manerijs de K. Et nisi &c.

¶ Et est concordia talis, scilicet, q' pred' R. & I. recognouer' tertiam partem pred' cum pertin' esse ius ipsius H. vt ill' quam idem H. habet de dono pred' R. & I. Et ill' remisit & quiet' clamauit de se et heredibus ipsius I. pref. H. & hered' suis imperpetuum. Et præterea ijdem R. & I. concessit pro se & hered' ipsius I. quod ipsi warrant' pref. H. & hered' suis predictam tertiam partem cum pertin' contra omnes homines imperpetuum. Et pro hac &c.

A Fine

A Fine of a personage excepting the aduowson of the vicarage of the same personage.

PRæc' &c. Coñ &c. de Rectoria de T. cum pertiñ, except Ad- Sect. 53.
uocatione vica' Ecclesiæ de T. Et nisi &c.

Et est &c. quod p'd A. recogñ Rectoriā præd' cum pertiñ, (except præexcept' esse ius &c. Et ill' remis. &c. (except' p'except'.) Et præterea item &c. concessit pro se &c. quod ipse warrant p'dict' &c. Rectoriam prædict' cum pertineñ (except' præexcept') &c.

Annu of covenant brought by three against three of one manour, 10. mesuages, 8. cottages, and of land, meadow, pasture, moore, and of rent.

Coñ. **P**Ræc' C.B. & F. vxori eius quod ten' E.D. & R. coñ &c. Sect. 54.
de manerio de S. cum pertiñ, ac de x. mesuag', viij. cotag', CC. ac' terræ, CC. ac' prati, 160. ac' pasture, 300. ac' moræ, & vj.s. redd' cum pertinent' in A.F.B. & C. Et nisi fecerint &c.

A Concord with a Render for life to the husband & the wife being the consors of parcell of manors and lands contained in the writ of Covenant, the remainder to the first and second begotten sonne of the consors in taile, and to the heires males, and for default of such issue, then to the consors in generall taile, and for default of such issue then to the right heires of the consors for cuer, with graunt and render of ten mesuages &c. residue of the same manor &c. to the said consors.

Et est Concordia talis, scilicet quod prædictus T. & F. recogñ maner', tenementa, & redd' præd' cum pertiñ esse ius ipsius E. vt ill' quæ ijdem E. & R. habent de dono prædict' T. & F. Et illa remisit & quiet' clām de ipsis T. & F. & hæred' ipsius F. præfat' E. & R. & hæred' ipsius E. imperpetuum. Et præterea ijdem T. & F. concessit pro se & hæred' ipsius F. quod ipsi warrant manerium, tenementa, & redd' cum pertiñ præfat' E. & R. & hæred' ipsius E. contra ipsos T. & F. & hæred' ipsius F. imp'petuū. Et pro hac recogñ &c. ijdem E. & R. concessit præf. T. & F. maner' de S. p'd' cum pertiñ ac x. mesuag', viij. cotag' xx. ac' terr', xx. ac' prati, 160. ac' pasture, 300. ac' moræ, 6. solid' reddit' cum pertiñ in A. & F. præd', parcellas maner', tenementorum, & redd' p'd'. Et ill' eis reddider' in eadem curia. * Habendum et tenendum præfat' T. & F. pro termino vitæ ipsorum T. et F. & alterius eorum diutius viuent' absque impetitione alicuius vasti, Et quod post decessum prædict' T. et F. & eorum alterius diutius viuent', prædict' pcell' maner', tenementorum, & redd' præd' cum pertiñ reman' prin' ogenito filio de corporibus præd' T. & F. inter ipsos legitimi procreat', & hered' mascul' de corpore prædicti primogenit' filij & legitime procreat'. Tenendum &c. * Et si nullus hæres de corpore ipsius primogeniti filij suæ legitime procreat', prædict' pcell' maner',

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manet, tentorum, & reddit pred cum pertin reman secundo genito f. lio de corpore pred T. & F. inter eos legitime procreat, & hered mascul de corpore dicti secundi geniti filij legitime procreat. Tenend &c. * Et si nullus heres de corpore ipsius secundi geniti filij fuer legitime procr, tunc predict' parcell' manet, tenementor, & redd pred cum pertin reman hered de corporibus p d T. & F. inter eos legitime procreat. Tenend &c. Et si nullus heres de corpore ipsos T. & F. inter eos fuer legitime procreat, tunc p d parcell' manet, tenor, & redd p d cum pertin reman inde rectis hered ipsorum T. & F. imperpetuū. Tenend &c. Et vltterius iidem E. & R. concess. pref. T. & F. decē messuag' &c. cum pertin in B. & C. pred residuum p d manet tentor & redd predict'. Et ill' eis redd in eadem Cur.

Secl. 56.

A Fine of one acre of land, homage, rent, and services.
Salop. **P**Ræcipe E. T. armig, quod ten' N. P con' de vna ac' terr, & quindecim solid' redd cū prin' in G. & F. Et nisi &c.
 Et est concordia talis, scz. quod pred E. T. recognouit p d ac' terr cū pertinentijs esse ius ipsius N. vt ill' quam idem N. habeat de dono pred E. Et ill' remisit & quiet clam de se & heredibus suis pref. N. et heredibus suis imperpetuum. Et p d E. concessit p f. N. pred redd simul cū homagio et toto seracio I. H. et heredum suorum de tot tentis quot pred E. prius tenuit de F. p d. Habend', percipiend' et gaudend' p d reddit simul cū homagio et toto seruitio p d N. et hered' suis imperpetuum. Et p d E. et hered' sui warrant p d N. et hered' suis pred ac' terr' et redd p d cū pertin' simul cum homagio et toto seruitio p d sic (vt dictū est) contra omnes homines imperpetuū. Et pro hac &c.

A Fine of a Manor and sixe knights fees, homages and services in the same manor, by the husband, and the wife, and others.

Secl. 57.

INter H. W. et I. B. quer, et T. M. militem, et T. filium eiusdem T. et E. uxorem eiusdem T. filij, et W. M. de fore', de manerio de T. cū prin, vnde placitum conuentionis sumū fuit inter eos in eadem curia, scilicet quod pred T. T. E. et W. recogn' predict' manerium cum pertinent' esse ius ipsius H. vt illud quod iidem H. et I. habeant de dono pred T. T. E. et W. vna cum septem feodis Militum in eodem manerio. Et concesser pred H. et I. pred' manerium et feod' cum pertinē simul cum homagijs & omnibus seruitijs M. W. et I. N. et heredum suor, de tot tenementis quot de pred T. T. E. et W. prius tenuerunt in eodē manerio. Et ill' eis redd in eadem curia. Habendum et tenend' iisdē H. et I. et hered' ipsius H. de capit' domialis feodi illius p seruitia que ad pred' manerium & feoda pertinent imperpetuum. Et preterea iidem T. T. E. & W. concesser

cesserunt pro se & hered' ipsius E. quod ipsi war' prae d' H. & I. et hered' ipsius H. p'dict' manerium et feoda cum pertinentijs sicut p'dict' est contra omnes homines imperpetuum. Et pro hac recognitione, concessione, warrant sine, & concordia, iisdem H. & I. dederunt p'dict. T. T. E. & W. vigint' libr' sterlingorum.

*An old fine in Frankalmoine of the aduowson of a Church, knowledged to a Prior and his Church before Iustices in Eyre, in Anno 35.
of King Henrie the 3.*

HEc est finalis concordia facta in Cur' domini Regis apud Lincoln' Sect. 58.
in Octab. Sancti Mich. Anno regni Regis Henrici filij Regis Io.
55. coram R. A. G. P. W. W. W. H. & I. O. Iusticiarijs itinerantibus &
alijs domini Regis fidelibus tunc ibidē p'sentibus, inter I. D. petent', &
Priorem de C. deforc', de Aduocac' ecclesie de D. cum pertinentijs
vnde placitū conuenē sumū fuit inter eos in eadem Cur'. scz. qd' p'd I.
recognouit p'd Aduocationē cum p'tin' esse ius ipsius Prioris et ecclesie
sue Sancti Mar' de C. vt illā quam idem Prior & ecclesia sua habent de
dono W. filij W. antecessoris ipsi' I. cuius heres ipse est; Habend' & re-
nend' eidem Priori & successoribus suis & ecclesie sue p'd, de p'dict' I. &
heredib' suis in puram & perpetuam elemosinam, liberam & quietā ab
omni seruitio seculari & executione imperpetuum. Et p'd I. & hered' sui
warrant' acquietabunt & defend' eidem Priori & success. suis & ecclesie
sue p'dictam aduocationem cum p'tin' &c. Et p' hac &c. idem Prior
renuit p'dict' I. singulis beneficijs & orationibus quē de cetero fient in
ecclesia sua p'd imperpetuum.

A Concord of one messuage, &c. in the countie Palantine of Lancaster.

Lancaster **H**Ec est finalis concordia facta in Cur' dom' Reg. apud Sect. 59.
L. die lune in quinta septimana quadragesime, anno
regni Elizab. dei gratia Angl', Francie, & Hybern' Regiū
fidei defensoris &c. tricesimo secundo, coram I. Clench tertio Baro'n
Scacc' dom' Regiū, & F. R. vno seruientium dom' regin' ad legem Iu-
stic' domini reg. apud L. & alijs dict' dom' Reg. fidelibus tunc ibi p'sen-
tibus inter H. I. & R. H. quer', et W. C. gen' deforc', de vno meluagio
&c. cum p'tin' in T. vnde placitum cōuentionis sumū fuit inter eos in
eadem curia, scz. quod p'dictus W. recognouit &c.

*A lease for yeres by fine, if one of the connsors liue so long,
reseruing a rent.*

Chet. R. **P**Ræcipe F. T. & M. vxori eius, quod iuste &c. ten' I. H. & Sect. 60.
K. vxori eius conuenē &c.

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Et est concordia &c. scz. quod prædict' F et M. concess. prædict' I. et K. tenement prædict' cum pertiñ. Habend' et tenend' eidem I. et K. a festo &c. quod erit in anno &c. complend', si prædict' M. tam diu vixerit, Reddend' inde ad festa &c. per equales porciones soluend', durante to. termino præd' &c. Et si contingat &c. *Quare whether this be a good lease at this day against issue in taile.*

A lease for yeres by fine of one messuage and free fishing, reserving a reversion with a clause of distresse, with a graunt of the reversion of the said messuage and free fishing unto one of the conisors in fee.

Chor. II. **P** Ræcipe T. P. armig', et W. C. gen', quod iuste &c. ten' I. W. et E. M. conuenit &c. de vno messuag' &c. cum pertiñ in H. et B. ac de libera piscaria in aqua de B. Et nisi &c.

Sec. 61.

Et est concordia talis, scz. quod prædict' T. et W. cognouer' tenement et liberam piscariam prædict' cum pertinentijs esse ius ipsius I. vt illa que eidem I. et E. habent de dono prædict' T. et W. Et ill' remis. et quiet' clam' de se et hered' suis præfat' I. et E. et hered' ipsius I. imperpetuum. Et præterea ijdem T. et W. concesser' pro se et hered' ipsius I. qd' ipsi warrant' ten' et liber' piscariæ prædict' cum pertiñ præf. I. et E. et hered' ipsius I. coact' omnes homines imperpetuum. Et pro hac recognic', remissione, quiet' clam', warrant', fine, et concordia, ijde I. et E. concesser' præf. W. ten' et liber' piscar' prædict' cum pertinentijs. Et ill' q' reddider' in eadem cur'. Habend' et tenend' tenementa et liberam piscariam præd' cum pertiñ præf. W. et assign' suis, a festo sancti Martini in hyeme vltimo præterito, vsque ad finem termini sexaginta annor' ext'ue prox. sequen' et plenarie complend'. Reddend' inde annuatim præf. I. et E. et hered' ipsius I. quendam annual' reddit' iij. li. vj. s. viij. d. legalis monete Angliæ, ad festa S. Martini episcopi in hyeme et P. p' equales porciones durant' termino prædict' soluend'. Et si contingat prædict' annual' reddit' iij. li. vj. s. viij. d. a retro fore in parte vel in tot' post aliquod festu' festorum prædictor' quando vt preferatur solui debeat non solut' p' spacium viginti dief', quod tunc bene liceat et licebit præfat' I. et E. et hered' ipsius I. in tenement' prædict' cum pertiñ intrare et distringere, distributionesq; sic ibidem capf' et habitas licite asportare, effugare, abducere, et penes se retinere, quousque de prædict' annual' reddit' iij. li. vj. s. viij. d. vna cum arreragijs eiusdem si quæ fuerint sibi plenarie fuerit satisfact' et persolut', Concesser' etiam prædict' I. et E. præfat' T. tam reuersionem tenementorum et libere piscarie prædict' cum pertinentijs, quæ præd' reddit' iij. li. vj. s. viij. d. superinde referuat. Et illa ei reddider' in eadem curia. Habend' et tenend' tam reuersionem tenementor' et liber' piscar' prædict' cum pertinentijs, quam prædict' reddit' iij. li. vj. s. viij. d. superinde referuat præfat' T. et hered' suis imperpetuum. Tenend' &c. vt supra.

Alia

A Lease for yeares by fine by one and his wife.

Chet. II. **P**Ræcipe C. & A. vxori eius, quod iuste &c. ten W.S. Sect. 62.
& I. vxori eius, conuenc' &c. de &c. *expressing the tenements &c.*

¶ Et est concordia talis, scz. qd' præd' C. & A. recognouer' ten' præd' cum pertinentijs esse ius ipsius W. ut illa que ijdem W. & I. habent de dono præd' C. & A. Et ill' remisit & quiet' clam de se & hæred' suis præf' W. & I. & hæred' ipsi' W. imperpetuū. Et præterea &c. Et pro hac &c. præd' W. & I. concessit ten' præd' cū pertinentijs præf' C. & A. & ill' eis reddider' in eadē cur'. Habend' & tenend' tenement præd' cum p'tin' præf' C. & A. et assignatis suis, à festo S. Mich. Archangeli vltim' p'eterito, vsq; ad finē termini & pro termin' xl. annorū tūc proximū sequen' & plenarie cōplend'. Et præterea ijdē W. & I. & hæredes ipsius W. warrant ten' præd' cū pertinentijs præf' C. & A. et assignatis suis, duran' termino præd' contra omnes homines. Et pro hac &c. *ut supra.*

A lease by fine made by Tenant for life for xxi. yeares, if she liue so long, reseruing a rent, with a clause of distresse, the reuerfion graunted to the Coniugers, and after the terme ended, then to one P. for xxi. yeares, reseruing a red Rose, and after the end of that terme, the remainder to E. and M. in fee.

Chet. II. **P**Ræcipe I.P. genit' & E. vxori eius, & R. L. armig, qd' Sect. 63.
ten I.M. conuenc' &c.

¶ Et est concordia talis, scz. qd' cum præd' I.P. et E. habent & tenent sibi pro termino vite ipsius E. præd' tenement & piscar' cum p'tin', reuerfione inde post decessu ipsius E. W. T. & hæred' suis spectant', ijdē I.P. et E. & R. concessit præf' I.M. præd' tenementa & piscar' cū pertinentijs. Habend' & tenend' eidē I. & assignatis suis tota vita ipsius E. ¶ Et præterea præd' I.F. & E. & R. warrant præf' I.M. et assignatis suis ten' & piscar' præd' cum p'tin' sicut dictū est contra præd' I.F. & E. tota vita ipsius E. Et pro hac concessit warrant, fine, & concordia, ijdē I.M. concessit præf' R. tenement & piscar' præd' cum p'tin', & illa ei reddidit in eadē curia. ¶ Habend' & tenend' ten' et piscar' præd' cū pertinentijs eidē R. pro termino xxi. annorū proximū sequen' & plenarie complend', si eadē E. tam diu vixerit. ¶ Reddend' inde annuatim præf' I.M. & assign' suis xxiij. lib' ad festa &c. p. equales porciones annuatim soluerit' tota vita ipsius E. ¶ Et si contingat &c. concessit etiam præd' I.M. præf' I.P. & E. reuerfionē tenitorū & piscariæ præd' cū pertinentijs, & redditum præd' superinde reseruāt, & ill' eis reddid' in eadem curia.

C. j.

* Haben-

Fines and Concords.

* Habend' et tenend' eisdem I. F. et E. de capitalibus dominis feodi illius per seruitia quæ ad præd' tenement et piscas præd' cum pertinentijs prinent, tota vita ipsius E. * Et post terminum illum finitum, tenement prædict' cū pertinentijs integrè remanebunt P. & assignat' suis pro termino xxj. annorum post festum Sancti Martini in hyeme proximi futur' immediate sequen' et plenariè complend'. * Reddend' inde annuatim præfatis P. & E. & hæred' ipsius P. toto termino præd' vnam Rosam rubeam ad festum S. Ioh. Bapt. annuatim soluend' si petatur. * Et post finem illum finitū, tenementa præd' cum pertinentijs integrè remanebunt præfat' E. & M. & hæred' ipsius E. imperpetuum, de capital' dñis feod' ill', per seruitia quæ ad præd' tenementum pertinent imperpetuum.

A lease to the wife for xxi. yeeres of two messuages, to commence after her husbands death reseruing a Rent, with a clause of distresse, the Cognizees graunt backe the same reversion and rent to the Censurers in fee.

Sect. 64.

South. II. **P**Ræcipe C. C. armig' & D. vxori eius, & R. B. generol. quod teneant H. M. & C. M. conuenc' &c. de duobus mesuag' cum pr' in parua S. Et nisi &c.

¶ Et est concordia talis, scz. q. præd' C. & D. & R. recogn' tenentia præd' cum pertinentijs esse ius ipsius H. v' ill' &c. Et ill' remisit &c. Et præterea &c. Et pro hac &c. præd' H. & C. concessit præf. R. tenement præd' cum pertinentijs, Et ill' ei reddider' in eadem cur'. * Habend' & tenend' tenementa præd' cum pertinentijs præfat' R. tota vita ipsius R. & immediate post decessum ipsius R. tenement præd' cum pertinentijs integrè remanebunt M. vxori ipsius R. executoribus vel assign' suis pro termino xxj. annorum extunc proximi sequen' & plenariè complend'.

¶ Reddend' inde annuatim præfat' H. & C. et hæred' ipsius H. quandam annuitatem siue annual' redditum v. lib' legalis monete Angliæ, ad festa Sancti Martini Episcopi & Pent' per æquales porciones annuatim durant eodem termino soluend', prima solutione inde incipien' ad proximi festum festorum prædictorum post decessum præd' R. * Et si contingat præd' annuit siue annual' reddit' quinque lib' retro fore &c. * Concessit etiam præd' H. & C. præfat' C. C. & D. tam reversionem tenementorum cum pertinentijs, quam prædict' reddit' v. lib' superinde reseruaf. Et ill' eis reddiderunt in eadem curia: Habendum, tenendum, & percipiendum, prædictam reversionem tenementorum prædictorum cum pertinentijs & redditum prædictum præfat' C. C. & D. & heredibus ipsius D. imperpetuum.

I. R. be.

I. R. being tenant in generall taile in possession the reuerſion in fee to C. & T. the ſame C. and T. by fine grant the land to M. and E. and the ſaide M. and E. render the ſame again to the ſaid T. Habendum from a certain feaſt next after the death of the ſaid I. without heire of his bodie, for the terme of 1500. years, reſeruing i. d. rent, and after the end of the terme to P. T. one of the ſonnes of the ſaid T. for ever.

Cher. II. Recipe &c. C. N. & T. T. quod ten' M. B. & E. D. conuenc' &c. de &c. Et niſi &c.

Secl. 65.

¶ Et eſt &c. q̄ cum I. R. habet et tenet ſibi & hered' de corpore ſuo legitime procreat' et nō predi' cum ptinentijs reman' inde poſt deceſſum ipſius I. ſi idem I. obierit ſine herede de corpore ſuo legitime procreat', pref. C. & hered' ſuis ſpectāt, ijdē C. & T. conceſſer' tenemēta p'd' cum pertiñ p'd' M. et E. & hered' M. imppetuum. * Tenend' &c. Et p'd' C. & hered' ſui warrant' pref. M. & E. & hered' ipſius M. tenement' p'd' cum ptinētijſ ſicut p'd' eſt, contra omnes homines imperpetuum. * Et p' hac conceſſione, redditiōn, warrant', ſine, et concord, ijdē M. et E. conceſſer' predi' T. tenē predi' cū ptin', et illi ei redd' &c. * Habend' &c. eidem T. et assign' ſuis. a feſto S. Martini in hyeme .xx. poſt deceſſum p'd' I. ſi idem I. obierit ſine herede de corpore ſuo legitime procreat', vſq; finem termini & p' termino mille et quingent' annorum extunc pxiū ſequen' et plenariē complend' abſque impetitione alius valli. * Reddend' inde annuatim prefat' M. & E. & hered' ipſius M. vnum denar' ad feſtum &c. annuatim ſoluend' toto termino predi' ſi petatur. Et poſt terminum illum finitum, predi' tenementa cum pertiñ integre reman' P. T. vni filiorum predi' T. & hered' ipſi P. imperpetuum &c. *ut ſupra.*

A leaſe of a meſſuage by fine for yeeres to begin at a time to come, with a claufe of diſtreſſe.

Post. II. Recipe A. B. & E. vxori eius, quod ten' C. D. conuenc' &c. de vno meſuag' &c.

Secl. 66.

¶ Et eſt concordia talis, ſcz. q̄ pred' A. B. & E. conceſſ. tenement' predi' cū ptinēn prefat' C. D. & assignatis ſuis, Et illa in eadem cur' pref. C. D. reddidit: Habēd' et tenēd', eidē C. D. a feſto Pentec' quod erit in anno domini 1397. vſq; finem termini viginti vnius annorum extunc pxiū ſequen' & plenariē complend': Reddend' inde annuatim pref. A. B. & E. & hered' ipſius E. ſeptem libr' legalis monete &c. ad feſta S. Martini Epilcopi in hyeme, N. A. P. equis porcionibus annuatim durante termino p'd' ſoluend'. Et pro hac &c.

C. ij.

Aleaſe

A lease of one messuage &c. to diuerse for 90. yeres, if the lessee his wife, and 2. others liue so long, reseruing a rent and the best Beast after the death of every tenant in name of an Heriot, with a clause of distres for the same rent and Heriot, & after granteth the reuerfion to the lessor & his wife in fee:

Secl. 67.

London. **P**Recipe I. R. armig' & M. vxori eius & T. B. quod ten' R. C. & V. C. conuenc' de vno messuagio &c.

Et est concordia talis, scz. quod p'dict' I. M. & T. recogn' ten'ta p'd cum p'tineñ esse ius ipsius V. v' ill' &c cum re'axatione & warr'. Et pro hac &c. iudem R. et V. concesser' p'fat' T. B. p'dict' tenementa cum p'tin', Et ill' ei reddiderunt in eadem curia: Habend' et tenend' eidem T. et assig'n suis, a festo Natalis dñi proximu' futur', vsq; ad finem termini no-
uaginta annor' tunc proximu' sequen' et plenarie complend', si i'dan T. et I. vxor eius, B. B. et T. B. filij ipsius T. tam diu vixerint, aut eoru' aliquis tam diu vixerit * Reddend' inde annuatim p'd R. et V. et hered' ipsius V. quatuor libr' legalis monete Angliæ, ad festa Annunciationis beate Marię virginis, Natiuit' Sancti Ioh. Bapt. S. Michaelis archang. et Natiuitatis dñi, per equales porciones annuatim soluend' toto termino p'd, ac soluend' post decessum T. B. patris, et post decessum cuiuslibet inde tenentis suum optimu' animal nomine heriot. * Et si contingat p'd redd' 4. li. arcro fore in parte vel in toto post aliqd' festu' festoru' p'd quod p'fer' solui debeat non solus, aut si contingat p'd optimu' animal nomine heriot vt p'fer' solued' post decessum cuiuslibet tencium p'remissor' fore insolus aut subtrac'. * Quod tunc bene licebit p'd R. & V. & hered' ipsius R. in p'd tenen't cum pertinētiis intrare & distringere, distric-
tionesq; sic ibidem cap't & hab' licite abducere, asportare, & effugare, ac penes se retinere, quousq; de p'd redd' 4. li. et arreragiis eiusd' (si que fu-
erint) vna cū optimo animali p'd quando contigerit plenarie fuerint sa-
tisfact' & p'solus. * Concesser' etiā p'd R. & V. p'red' I. & M. reuerfionē
tenementor' p'red' cū p'tin' & p'red' redd' 4. li. ac p'd redd' optimi ani-
malis nomine herioti superi' reseruau'. Et illa eis reddider' in ead' curia.
Habend' & tenend' eisd' I. & M. & hered' ipsius I. & M. et hered' ipsius I.
de capital' dñis feod' illi' imperpetuum &c.

*A Lease for yeares to one of the Conuors of one messuage &c. reseruing
Rent, with a Nomine paue and a distresse for the rent and paue,
with a grant of the reuerfion to one of the Conuors
and his wife in generall tayle.*

Secl. 68.

Spiddam. **P**Recipe E. P. armig' & M. vxori eius, & R. B. quod tenet
I. R. & T. S. conuenc' de vno messuagio &c.

¶ Et

¶ Et est concordia talis, scilicet, quod predicti E. P. & M. & R. B. recogn' tenementa pred' cum pertin' esse ius ipsius I. vt ill' que iidem I. & T. habent de dono predictorum E. M. & R. (cum relaxac' & warrant) Et pro hac &c. iidem I. & T. concessit. pref. R. tenementa pred' cum pertinentijs, Et ill' ei reddider' in eadem curia: Habend' & tenend' eidē R. fello Sācti Mich. vltimo pterito p termino trigint' et viii' annorū extunc proximū sequen' et plenariē complend'. * Reddend' inde annuatim predicti I. & T. & hered' ipsi' I. viginti lib' legalis monete Anglię, ad duos anni terminos, viz, ad festū Annunciationis beatę Marię virginis et Sancti Michaelis Archang' per æquales porciones annuatim solvend' toto termino pred'. * Et si contingat predict' redd' xx. li. aut aliquā inde parcelā retro fore in parte vel in toto post aliquod festum festor' predict' quo vt prefer' solui debeat nō sinit per spaciū quadraginta dierū, q' tunc forisfaciet predictus R. predictis I. & T. et hered' ipsi' I. v. li. nomine poenę, & q' tūc & toties bene licebit p'd I. & T. & hered' ipsi' I. in p'dict' tenementa cū pertinentijs intrare & distringere, districtionesq; lic' ibi d' cap' & habitas licit' abducere, asportare, effugare, ac penes se retinere, quousq; tam de pred' xx. li. quam de pred' quinque lib' nomine poenę, vt p'f. rē forisfac' cum areragijs earū (si quę fuerint) plenariē fuerit satisfact' et p'solut'. * Cōcessit etiam p'dict' I. & T. p'd E. & M. pred' tenementa cū p'tinentijs, ac p'd reddid' xx. li. superinde reseruaf, ac p'dictā summā quinq; librarum nomine poenę. Et ill' eis reddider' in eadē curia. Habend' & tenend' eis dē E. & M. & hered' de corpore ipsius E. legitimē pcreat'. Tenend' &c. Et pro defectu talis exireman' inde W. W. & hered' suis imperpetuum. Tenend' &c.

A fine with grant and render of the moitie of a manor to the Conuſor for terme of life, without impeachment of waſt, and for ſixteene yeares after her death, then the one moitie of the ſame moitie, to one in fee, and the other moitie of the ſaid moitie to another in fee.

Chor. II. P Ręcipe E. A. vid' nup vxori W. A. Mil' defunct' q' ten' Sect. 69.
T. F. conuene' de medietate manerij de H. &c.

¶ Et est concordia talis, scilicet, q' cum E. A. recogn' &c. Et pro hac &c. idem T. F. concessit prefat' E. A. medietatem pred' cum pertinentijs. Et ill' ei reddidit in eadem curia: Habend' et tenend' p'dict' medietatem manerij &c. predict' E. A. p termino vite sue ipsius E. absque impetitione alicuius vasti de capitalibus dominis feodi illius per seruitia que ad predict' medietatem pertinent tota vita ipsius E. & pro termino sexdecim annorum extunc proximū sequen' post mortem pred' E. Et post mortem predictę E. & post pred' termin' sexdecim annor' finitum & determinat', quod tunc vna medietas predict' medietatis manerij

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præd' &c. cum pertinentijs reman' B. G. modo vxori G. armig', et hered' ipsius B. Tenend' de &c. Ac altera medietas præd' medietatis manerij &c. p'd cum pert' n reman' E. G. modo vxori N. G. & hered' ipsius E. Tenend' de capitalibus &c.

A Render of three messuages to one of the Conusors for life, the remainder to one and his heires males, the remainder to another and his heires for ever.

Sect. 70.

Esse. ff. **P**Recipe N. A. & W. A. q' ten' R. C. et T. C. conuenc' de tribus messuag'.

* Et pro hac &c. ijdē R. & R. concess. p'f. W. tēst' p'd cum p'ntijs Et ill' ei redd' in ead' cur': Habēd' et tenēd' eid' W. & assign' suis. Tenēd' de capital' d'nis feodi illius p' seruicia quæ ad p'd tēstā cū p'nti, tota vita ipsius W. et post decessū ipsius W. ead' tēstā cū p'inentijs integ' remanebūt I. C. et hered' masculis de corp' ipsius I. legitime p'creat. Tenend' &c. Et si nullus heres sit de corp' ipsius I. legit. p'ct, tunc ead' tēst' cū p'tin' integ' reman' I. C. fratri p'd I. et hered' suis in p'pet. Tenēd' &c.

An estate for life to the Conusor, and after his death to one I. W. whom the Conusor intendeth to take to his wife for her life in the name of a jointure, and after her death to the heires males of the body of the Conusor.

Sect. 71.

Et est cōcord' talis &c. Et post decess. ipsius I. præd' &c. cū p'nt' integ' remaneb. I. W. filiz I. W. nomine iūctur, quā (deo dāt) ijd' I. C. ducet in vxor'. Tenend' de capital' &c. tota vita ipsius I. et post decessū ipsius I. p'd &c. cū p'nt' integ' remaneb. hered' mascul' de corp' p'd I. C. legit. p'creat. Tenend' de capitalibus d'nis &c.

A fine of diuers manors, messuages, and rent, the which the Conusors do render again to the Conusors, to the use of the wife of the Conusor for her life.

Sect. 72.

Et tot. ff. **P**Rec' T. C. armig', W. R. a'f. T. P. a'f. & L. B. gen', q' &c. tēst' I. D. & E. vxori eius conuenc' de manerij de C. N. & E. cum pert'in', ac de ducentis mess'. &c. & de x. libr' reddit' cum pert'in' in C. N. & B. Et nisi &c.

¶ Et est concordia talis, scz. q' p'd' T. C. W. R. T. P. & L. recog. maneria, tēst', & reddit' p'd' cū p'inentijs esse ius ipsius I. Et ill' remisit quicquid claus' de se et de heredibus suis pref. I. et heredibus ipsius I. imperpetuū. Et p' hac &c. ijdē I. & E. concessit pred' T. C. W. R. T. P. & L. præd' maner', tenement', & reddit' cum p'inentijs, & ill' eis reddiderit in ead' curia. Habēd' & tenēd' eis d' T. C. W. R. T. P. & L. tota vita ipsius E. Et pred' I. & hered' sui warran' pred' T. C. W. R. T. P. & L. p'dia.

dicta mania, tenementa & redd' cum pertiñ sicut dictum est, contra omnes homines durant vita pred' E. &c.

A fine of messuages, cottages, lands, meadow, pasture, wood, heath, linge, rent of a Parsonage, and of the advowson of a Church.

Hec est finalis concordia facta in Curia dñi Reg. apud W. a die P. in quindecim dies, Anno Reg. Iacobi dei gratia, A. S. F. & H. Reg. fidei defensoris &c. a conquestu tertio, coram E. A. T. M. F. W. W. P. Iustic' & alijs dñi Reg. fidelibus tunc ibi presentibus, inter I. B. genl' et R. C. generos. querent, et R. C. senior armig', & R. C. de Graies Inne in comitatu Midd' genos. defore' de cētū messuag', cētū cotagijs, duob' millib' acf terr', mille acf prati, duob' millib' acf pasturaz, centū acf bosci, mille acf iampnos & bruerz, & centū solidis reddit' cū pñi' in &c. Necnon de Rectoria de K. cū pñentijs: Ac de aduocatione Ecclesie de K. vnde placit' cōuec' sumū fuit inter eos in ead' cur', scz. q' pñ R. & R. recognouit pñd' ten'ta, reddit', & rectoriā cū pñentijs, ac aduocationē pred' esse ius ipsi' I. vt illa quaz ijdē I. & R. habēt de dono pñ R. & R. Et ill' remisit & quiet' clamauit de ipsis R. & hered' suis pñ I. & R. & hered' ipsi' I. imppetuū. * Et p'terea ijdē R. & R. concess. pñse & hered' ipsi' R. C. senioris, q' ipsi warrānt pñdict' I. & R. et hered' ipsi' I. pñ ten'ta, redd', & rectoriā cū pñi' ac aduocat' pñ cōtra pñ R. & R. & hered' ipsius R. C. senior imppetuū. * Et p' hae reco'ñ, remissionē, quiet' clam', warrānt, fine, et concordia, ijdē I. et R. deder' pñd' R. & R. duo mille libf sterlingorum.

Sect. 73.

A fine by the husband and his wife of the lands of the wife, with graunt and render of the 4. part of 2. messuages, 4. tofts, two gardens, two orchards, 200. acres of land, 20. acres of meadow, 40. acres of pasture, 12. acres of wood, and 100. acres of moure in 4. parts diuided, the Conufors do graunt the same againe to the Conufees for their liues, without impeachment of maist, and after their deaths to one of their sonnes in generall taile, & for default of such issue, thē to one other of the Conufees sons in generall taile, & for default of such issue, thē to the 3. son of the conufees in general taile, & for default of such issue to the right heires of the wife of the conufor for euer.

Hec est finalis concordia facta in Cur' dñi reg. apud West. in Q. Rab. S. Mich. Anno reg. Iacobi dei gratia Angl', Scotiar, Frācie, & Hibēni reg. fidei defens. &c. a conquestu tertio, corā R. A. T. W. R. W. & T. L. Iust. et alijs dñi reg. fidelib' tūc ibid' pñtib', inter G. I. & W. W. quer' & I. C. et I. vxorē def. de quarta pñe 2. messuag', 2. gard', 2. pom'd' acf terr', 20. acf prati, 40. acf past', 12. acf bosci, et 100. acf more cū pertiñ

Sect. 74.

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pertin in G. et L. in quatuor ptes diuis. vnde placitū cōuentionis sumū
fuit inter eos in eadem curia, scilicet q̄ predict' I. & I. recogni' predictā
quartam partem cum pertin' esse ius ipsius G. vt illam quam iudem G. et
W. habent de dono p̄dict' I. & I. Et illam remis. & quiet' clam̄ de ipsis
I. & I. & hered' ipsius I. predict' G. et W. & hered' ipsi' G. imp̄petuū.
Et p̄terea iudem Io. et Ia. concesserunt p se et hered' ipsi' Ia. quod ipsi
warrant' predict' G. & W. & hered' ipsius G. pred' quartam partem cū
prin' contra p̄dict' I. & I. & hered' ipsius Ia. imp̄petuū. * Et p hac re-
cogn' &c. iudem G. & W. concesserunt predict' I. & I. predict' quarta
ptē cū pertinentijs, Et ill' eis reddider' in eadē cur' : Habend' et tenend' eis-
dem I. & I. de capitalibus dñis feodi illius per seruicia quē ad predict'
quartam partem pertinent tota vita ipsorum I. & I. et eorū alteri' diuiti'
viuent' absq; impetitione alicuius valli. Et post decessum ipsorū I. & I.
pred' quarta pars cum pertinentijs integre reman' B. C. filio predictor'
I. & I. et hered' de corpore ipsi' B. legitime procreat. Tenend' de capi-
talibus dñis feodi illius &c. imp̄petuum. * Et si contingat quod idem
B. obierit sine hered' de corpore suo legitime p̄creat, tūc post decessum
ipsius B. p̄d' quarta pars cum prin' integre reman' P. C. al' fil' pred' I. &
I. & hered' de corpore &c. Tenend' de capitalibus &c. imp̄petuum.
* Et si contingat q̄ idem P. obierit &c. tunc post decessum ipsius P. p̄d'
quarta pars integre reman' R. C. al' fil' predict' I. & I. & hered' de cor-
pore &c. Tenend' de capitalibus &c. imp̄petuum. Et si contingat quod
idem R. obierit &c. tunc post decessum ipsius R. pred' quarta pars cum
pertin' integre reman' rectis hered' predict' Ia. Tenend' de capita'ibus
dñis feodi illius, per seruicia quā ad predict' quartam partem pertinēt
imp̄petuum &c.

*A fine of one messuage and of a 3. part of 4. messuages in 3. parts diuided,
part in possession, and part in reversion, of a third part for terme of the
life of the tenant in Dower, and for terme of the life of another tenant for
terms of li. &c.*

Sect. 75.

Eboꝝ. II. **P**Recipe I. W. & A. vxori eius, q̄ iuste &c. ten' I. E. & E. E.
conuenc' de vno messuag' &c. necnon de tertia parte in
tres partes diuidend' quatuor messuag' cum prinēt &c.

¶ Et est concordia talis, scilicet, quod pred' I. & A. recogn' tene-
menta predicta ac tertiā partem pred' cum pertinentijs esse ius ipsius
I. de quibus iudem I. E. & E. E. habeant vnum mess. cum pertinēt in
predictis vill' de T. & B. parcell' tenementorum predictorum, ac p̄dict'
tertiā partem quatuor messuag' &c. cum pertinentijs in T. & B. par-
cell' tenementorum predictor' de dono predictor' I. & A. Et ill' remisit
& quiet' clamauer' de ipsis I. & A. & heredibus suis prefat' I. E. & E. E.
&

& heredibus ipsius I. imperpetuum. Et concess. pro se & hered' ipsius A. quod viginti ac' terr, lex ac' prati, &c. cum pertiñ in prediçt' villa de B. parcell' tenementor' & tertia pars p'd quæ I. A. & F. vxor eius tenent ad termin' vitæ ipsi' E. de hered' pred' A. die quo hæc concordia facta fuit. Et quæ post decessum ipsius E. ad pred' I. A. & heredes suos adduct' reuertere post decessum ipsius A. integre remaneant pred' I. E. & E. E. & hered' ipsius I. imperpetuum. * Concessit etiam prediçt' LW. & A. pro se & hered' ipsius A. quod vnū messuag' cum pertineñ in pred' vill' de B. residuum tenementorum prediçt' quæ I. A. tenet ad terminum vitæ suæ de hereditate prediçt' A. die quo hæc concordia facta fuit, post decessum ipsius A. integre remaneat prediçtis I. E. & E. & hered' ipsius E. imperpetuum.

A fine with graunt and render of the moitie of a manor, reciting that a widow hath the same for her life without impeachment of wast, and after her death to her executors for 16. yeares without impeachment of wast, and after her death and the end of 16. yeres, to two and to their wiues, and to the heires of the wiues: and after the husbands and their wiues graunt the same to the tenant for life in fee, who graunteth the same after the end of the said 16. yeares vnto the conusors for the terme of 21. yeares without impeachment of wast.

Ch. 11. **P**REcipe N. G. & E. vxori eius, W. G. & B. vxori eius, qd' **Sc. 76.**
teneant F. A. conueni' de medietate manerij de H. cum pertiñ &c.

¶ Et est concordia talis, scz. q' cum E. A. vidua. nuper vxor W. A. defuncti, habet & tenet prediçtam medietatem manerij de H. cum pertiñ, Ac prediçtam medietatem tenementorum & piscariæ prediçt' cum pertiñ ad terminum vitæ suæ absque impetitione alicuius vasti. * Et quod post mortem eiusdem E. prediçta medietas manerij tenementorum & piscariæ prediçtorum remaneant execut' testamenti eiusdem E. ad terminum sexdecim annorum tunc prox' sequen' post mortem ipsius E. absque impetitione vasti. Et quæ post mortem prediçtæ E. A. ad terminum prediçtorum sexdecim annorum ad N. G. & E. vxor' eius, & W. G. & B. vxor' eius, & hered' dictorum E. & B. reuert' deberent. Prediçt' W. G. & B. vxor' eius, N. G. & E. vxor' eius, concedunt quod dictæ medietates dictorum manerij, tenementorum, & piscariæ cū pertiñ post mortē pred' E. A. & post prediçt' terminum xvj. annorum finitum & determinat' integre remaneant pref' F. A. & hered' suis. * Tenend' de capital' dñis feod' ill' per seruitia quæ ad prediçt' medietat' dictorum manerij, tenement' & piscar' cum pertineñ pertinent. Et ill' remis. & quiet' clam' de ipsis W. G. & B. vxor' eius, N. G. & E. vxor' eius, & hered' suis p'f. F. A. & hered' suis imperpetuum. * Et preterea
ijdcu.

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ijdem W. G. & B. N. G. & E. concessit p. se & hered' ipsius N. qd ip-
si warrant predict' reversionem medietatis d. etorum manerij cano-
rū, & piscarie cum pertinentiis prefat. F. A. & hered' suis contra ipsos
W. G. & B. N. G. & E. et heredes suos imperpetuum. Et p. hac &c. idem
E. concessit pref. W. G. & B. N. G. & E. predict' reversionem medietatis
manerij, tenentium, & piscarie p. cum pertin'. Et ill' eis reddiderunt
dēcur, * Habend' & tenend' eandem reversionem medietatis mane-
rij, tenentium, & piscarie pred' cum pūn' distis W. G. & B. N. G.
& E. a festo Apost' Phil. & Iacobi quod tunc prox. erit post finem di-
etorum sexdecim annor vsq; ad finē & terrā xxj. annor extruere pūm
sequent' & plenarie complend', absque impetitione alicuius valli.

*A Render of messuages &c. to the cogn' or for one weeke, after to a stranger
for life, and to his wife for life, if shee keepe her unmarried, the reuer-
sion to another stranger and his heires of his bodie upon M. his
wife begotten, the remainder to another and
his heires.*

Secl. 77.

Chor. II. **P**Recipe L. W. & E. vxori eius, qd ten' W. M. & O. S. con-
uene' de duob' messuag' &c. in S. Et nisi &c.

Et pro hac &c. ijdem W. et O. concesserunt p. f. Tenement' predict'
cum pertin'. Et ill' ei reddiderunt in eadem curia: Habend' & tenend' e-
dem l. pro termino vnus septimanæ, Et post terminum illum finitum,
pred' tenem' cum pertin' integre remanebunt B. Habend' & tenend' ei-
dem B. de capitalibus dominis feodi illius per seruicia que ad p. d. ten'
pertineant, tota vita ipsius B. et post E. decessum ipsius B. pred' ten' cum
pertin' integre reman' l. vxori predicti B. * Tenend' &c. tota vita ipsi-
us l. si eadem l. tam diu sola & innupta vixerit. Et post decessum sue
sponsalia ipsius l. si que fuerit, pred' ten' cum pertin' integre reman' E.
W. filio & heredi apparenti pred' l. & hered' de corpore ipsius E. de
corpore M. vxoris eius inter eos legitime procreat'. Tenend' &c. Et si
contingat qd idem E. obierit sine hered' de corp' suo de corp' pred' M.
inter eos legit' procreat', tunc post decess. ipsos E. & M. tenen' pred' cum
pūn' integre reman' pred' l. & hered' suis. Tenend' &c. imperpetuum.

*A fine of two reuerfions of 2. messuages, one cottage &c. after the
deaths of the two tenants for life.*

Secl. 78.

Chor. II. **P**Recipe R. N. & A. vxori eius, quod ten' G. E. conuene'
&c. de duobus messuag' vno cotag. &c. in N.

* Et est concordia talis, sc. quod predict' R. & A. recogn' tenement'
ta predict' cum pertin' esse ius ipsius G. et concess. p. se & heredibus
ipsius

ipſius R. quod præd' coragium, viginti acſ terſ, decem acſ prati, &c. p-
cell' tenorū prædictorū cū pertinentijs in N. predict, quæ W. B. & A.
vxoꝝ eius tenent ad terminum vitæ ipſius A. de hereditate præd' R. die
quo hæc concordia facta fuit, & quæ poſt deceſſum ipſius A. ad præd' R.
& heredes ſuos debuerunt reuert', integre poſt deceſſum ipſius A. ad præd'
G. & heredes ſuos remaneant. Tenend' &c. Conſeſſit etiam præd' R. &
A. qd præd' ij meſſuag' &c. reſidua tenement' prædict' cum pertinentijs
in N. predict, quæ W. P. et D. vxoꝝ eius tenent ad terminum vitæ ipſi-
us D. de hereditate &c. (ut antea.) Et præterea predict' R. & A. et here-
des ipſius R. warrant tenementa predict' cum pertinentijs præſato G. &
heredibus ſuis ſicut dictum eſt, contra prædictos R. & A. et heredes ipſius
R. imperpetuum. Et pro hac &c.

*A Graunt to the cogniſec and his wife, and the heires of their
two bodies, with warrantie in taile.*

Chas. II. **P**Recipe H. F. gen', quod iuſte &c. ten' H. W. & I. vxoꝝi e- Sect. 79.
ius conuenc' &c. de ten' tis in S. Et niſi &c.

¶ Et eſt concordia talis, ſc. quod præd' H. F. conſeſſit tenement' &
reddit prædict' cum pertinentijs præſ. H. W. & I. Et ill' eis reddidit
in eadem curia. Habend' & tenend' eiſdem H. W. & I. et heredibus de
corpore ipſorum H. W. & I. inter eos legitime procreaſ. Tenend' &c.
Et præd' H. F. et heredes ſui warrant præſatis H. W. & I. & heredibus
de corpore ipſor' H. W. & I. inter eos legitime procreaſ tenenſi præ ſicut
dictum eſt, contra omnes homines imperpetuum. Et pro hac &c.

*A graunt with a render backe againe for life, without impeachment
of waſt, diuers remainders in taile diuiding the lands.*

Henr. II. **P**Recipe N. B. & A. vxoꝝi eius, quod ten' T. R. & R. G. cō- Sect. 80.
uenc' &c. de vno meſſuag' cum pertin' in E. &c.

¶ Et eſt concordia talis, ſc. quod præd' &c. cum relaxac' & warrant
&c. Et pro hac &c. ijdem T. R. conſeſſet præſato N. & A. tenement' &
preſ' cum pertinentijs. Et ill' eis reddiderunt in eadem curia: Habend'
eiſdem N. & A. tota vita ipſorum N. & A. et alterius eorum diutius vi-
uent' abſque imperitione vaſti tota vita ipſius A. Tenend' &c. Et poſt
deceſſum ipſorum N. & A. vnum meſſuagium &c. cum pertin' in F.
preſ' de tenementis præſ' parcel' reman' T. B. vni filiorum prædictorum N.
& A. et heredibus maſculis de corpore prædict' T. legitime procre-
aſ, & tunc poſt deceſſum ipſius T. præd' tenement' de prædict' tenementis
parcel' integre reman' I. B. alteri filiorum præd' N. & A.
& heredes maſcul' de corpore ipſius I. legitime procreaſ. Tenend'
&c. Et ſi contingat &c. poſt deceſſum ipſius I. prædict' tenement' de

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de p̄d tenement parcel' integre reman B. F. alteri filio pred' A. & hered' mascul' de corpore p̄d B. licite procreat'. Tenend' &c. Et si contingat &c. quod tunc tenem' p̄d reman' (to others others) & rectis heredibus pred' A. imperpetuum. Tenend' &c. Et procterea pred' T. & R. co-cesser' quod post decessum pred' N. B. & A. vxor' eius 44. ac' terr' dux ac' prati &c. cum pertiñ in B. p̄d' de predictis tenem' residua integre remanebũt pred' B. F. & hered' de corpore suo legitime procreat'. Tenend' &c. Et si contingat quod idem B. obierit sine hered' de corpore suo legitime procreat', quod tunc post decessum ipsius B. pred' tenem' residua integre remanebunt p̄f. T. F. hered' & assign' suis imperpetuum.

A Fine to entaile lands to the heires of the body of the consor of the body of I. C. her husband deceased, with remainder ouer, for default of such issue, to the right heires of the said I. C. &c.

Sect. 81.

Leicest. ff. **P**Recipe I. C. armig', quod ten' M. C. vidue conuene' de tribus messuag' &c.

¶ Et est concordia talis, sc. quod pred' I. concessit pred' M. pred' tenement cum pertinentijs. Et ill' ei reddidit in eadem curia. Habend' & tenend' eidem M. & hered' de corpore ipsius M. de corpore I. C. nuper viri sui defuncti legitime procreat', de capital' &c. Et si contingat quod eadem M. obierit sine hered' de corpore suo de corpore ipsius I. C. legitime procreat', tunc post decessum ipsius M. predicta ten' cum pertiñ integre remaneant rectis heredibus ipsius I. C. defuncti. Tenend' &c. Et pred' I. C. armig' et hered' sui warrant' pred' M. & hered' de corpore suo de corpore pred' I. C. defuncti, ac etiam rectis heredibus ipsius I. C. si eadem M. obierit sine hered' de corpore suo de corpore ipsius I. C. defuncti licite procreat', pred' ten' cum pertiñ (sicut dictum est) contra predictum I. C. armig' & hered' suos imperpetuum. Et pro hac &c.

A grant by a Duke and his wife as in the right of his wife to the cognisee for life of the tenant for life, with warrantie, a render to the cognisor for his wifes life, to conuey her title to her husband.

Sect. 82.

Warw. ff. **P**Recipe T. Duci N. & M. vxori eius, quod ten' T. T. armig' conuene' &c. de ten' in W. Et nisi &c.

¶ Et est concordia talis, sc. quod pred' Dux & M. concessit pred' T. T. tenementa pred' cum pertiñ, & quicquid idem Dux & M. habent in tenementis predictis cum pertiñ, ad terminum vite ipsius M. Et ill' ei reddidit in eadem curia. Habend' & tenend' eidem T. T. & hered' suis de capitalibus dn's feodi illius per seruicia que ad eadem tenementa cum pertiñ pertinet tota vita ipsius M. Et procterea iidem T. & M.

con-

concess. pro se, quod ipsi warrant p̄d' T. T. & hered' suis tenēta p̄d' cum
pertin contra omnes homines tota vita ipsius M. Et pro hac &c. idem
T. T. concess. tenēta p̄dict' cum pertin p̄fato Duci. Et ill' ei red-
didit in eadem curia: Habend' et tenend' eadem tenē cum p̄tin eidem
Duci & hered' suis tota vita p̄d' M. Tenend', *ut supra*.

*A Fine of the moiety of manors, messuages, land, meadow, pasture, wood, linge,
and heath, more, marish, & rent the aduowson of the moiety of a Church,
the aduowson of the moiety of a Monasterie or priory in possession and re-
uerſion in fee.*

HEc est finalis concordia fact' in Curia dñæ Regine apud West. Sect. 83.
Monaster in crastino sanctæ Trinitat, Anno regni Eliz. dei gra-
tia Angliæ, Franc' & Hibern Reginar, fidei defens. &c. a conquestu tri-
gesimo secundo, coram E. A. &c. Iustic', & alijs dominæ Reginar fide-
libus tunc ibi p̄sentibus, in f. A. M. & L. H. quef, & T. N. & I. vxorem
eius, vnam consanguinearum & hered' R. E. defore', de medietate ma-
neriorum de W. & R. cum pertin, ac de medietate octaginta messuag',
40. acf terf, 300. acf prati, 50. acf pastur, 100. acf bosci, 30. acf iamp-
norum & brueræ, 160. acf more, 200. acf marisci, & viginti solidos
redd' cum pertin in W. R. W. P. T. &c. Necnon de Aduocatione me-
dieta ecclesiæ de E. W. P. & R. ac etiam de aduocat medietat Mona-
sterij siue Prioratus de L. vnde placitum conuentionis summa fuit in-
ter eos in eadem curia: Scilicet quod p̄dict' T. & I. recogn' p̄d' medie-
tates cum pertinē, ac aduocationes p̄dictas esse ius ipsius A. de qui-
bus iidem A. & L. habent de dono medietatem p̄dict' manerij de R.
cum pertin. Necnon medietatem octaginta messuag', 160. acf terf,
100. acf prati, 300. acf pastur, 80. acf bosci, 200. acf iampnorum &
brueræ, 140. acf marisci, 100. acf moræ, & vj. li. vj. s. reddit' cum pertin,
in R. T. H. &c. Ac etiam aduocationē medietatis ecclesiæ de R. ac ad-
uocat medietat Monasterij siue Prioratus de L. parcell' medietat ma-
nerij, tenement', redd', & aduocat p̄dict' de dono p̄dictorum T. & I.
*Et ill' remiser' & quiete clām de ipsis T. & I. & hered' ipsius I. p̄-
dict' A. et L. & heredibus ipsius A. imperpetuum. Et p̄terea iidem
T. & I. concesserunt pro se & heredibus ipsius I. quod medietas mane-
rij de W. ac mediet' 30. messuag', 250. acrarum terre, centum acrarum
prati &c. cum pertinentijs in W. P. E. & W. p̄dict', ac aduocationes
medietatis ecclesiæ de P. E. & W. p̄dict', relid' medietatis maneri-
orum, tenementorum, reddit', & aduocat p̄d', que E. E. tenet ad termi-
num vite sue de hereditate p̄dictæ I. die quo hæc concordia facta fu-
it, & que post decessum ipsius E. E. ad p̄dict' T. & I. & hered' ipsius
I. debuerunt reuerter', post decess. ipsius E. E. integre remaneant p̄d'
A &

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A. & L. & hered' ipsius A. * Tenend' simul cum pred' medietate & aduocatione quæ eis per finem istum remanent de capitalibus dñis feodi illius, per seruitia quæ ad illas medietates & aduocat' pertinent imperpetuum. Et p'd' T. & I. & hered' ipsius I. warrant pred' A. & L. & hered' ipsius A. p'dictas medietates cum pertinentijs, ac aduocatione p'dictas sicut predictum est, contra omnes homines imperpetuum. * Et pro hac recognitione, remissione, quæta clamazione, warrant, fine, & concordia, ijdem A. & L. concesserunt p'dictis T. & I. p'dict' medietatem manerij de R. et medietatem predictor' tenitor' cum pertin' in R. T. H. & C. p'dict': Necnon aduocationem medietatis Monasterij siue Prioratus de P. p'dict', ac aduocationem medietatis Monasterij siue Prioratus de L. p'dict', Et illas eis reddiderunt in eadem curia. Habend' & tenend' eisdem T. & I. & hered' ipsius I. de Capitalibus dominis feodi illius p' seruitia quæ ad illas medietates & aduocationes pertinent imperpetuum. * Et concesserunt etiam p'd' A. & L. p'dict' medietatem manerij de W. cum pertin', ac p'd' medietatē ten' cum pertin' in W. P. E. & C. p'd' p'd' T. & I. Et illas etiam reddiderunt in eadem curia: Habend' & tenend' immediatē post mortem pred' E. E. eisdem T. & I. & hered' ipsius I. de capitalibus dñis feodi illius, p' seruitia quæ ad illam medietatem & aduocationem pertinent imperpetuum.

A grant of lands by fine to two, who render to the cognisor in general tail, and for default of such issue to R. T. in general tail, she remainder to the Queens Maiesstie her heires and successors for ever.

Sect. 84.

ET est concordia & C. q' pred' A. recogn' ten' pred' cum pertin' esse ius ipsi' I. vt ill' quæ idem I. & D. habent de dono p'dict' A. Et ill' remisit & C. Et pro hac & C. ijdē I. & D. concessit prefat' A. tenement' pred' cum pertin'. Et illi ei reddid' in eadem curia: Habend' & tenend' eidem A. & heredibus de corpore ipsius A. legitime procreat, et pro defectu talis exitus tunc tenement' pred' cum pertinentijs integre remaneant hered' de corpore R. T. filij p'dict' A. & hered' de copore eorum legitime procreat: Et pro defectu talis exit, tunc tenement' pred' cum pertinentijs remaneant domine Elizab. thæ nunc Regina Angliæ, Franc', & Hibern', hered' et successoribus suis imperpetuum & C.

A grant of lands in general tail, to bee holden of the grantor in Socage, with diuers remainders ouer in tail, with warranty against all men.

Sect. 85.

Esser. II. **P**Recipe S. B. ariā quod ten' W. S. couenit de iij. messuag', & C. cum pertin' in C. Et nisi & C.

¶ Et est concordia talis, scilicet, quod p'dict' S. concessit prefato W. tenementa p'dict' cū pertinentijs, & illa ei reddidit in eadem curia: Habend'

Habend' & tenend' eidem W. & hered' de corpore suo legitime procreat' de p'dict' S. & hered' suis in Socagio per fidelitatem tantum pro omnibus seruitijs & demandis quæ ad predict' tenementa pertinent imperpetuum. Et si contingat quod idem W. obierit sine hered' de corpore suo legitime procreat', tunc post decessum ipsius W. tēta p'd' cum pertinentijs integre remanebunt I. S. Auo p'dict' W. & hered' de corpore ipsius I. legitime procreat'. Tenend' (vs antea). Et si nullus heres de corpore ipsius I. fuerit legitim' procreat', tunc p'd' tēta cum pertiñ integre reuertent ad p'd' S. & heredes suos quiet de al' hered' predictorum W. & I. Tenend' de capital' &c. Et preterea p'dictus S. & heredes sui warrant predict' W. et hered' de corpore suo legitime procreat', et p'dict' I. et hered' de corpore suo legitime procreat' si idem W. obierit sine hered' de corpore suo legitime procreat', p'd' tenetm cum pertiñ (sicut dictum est) contr' omnes homin' imperpetuum. Et p' hac &c.

A grant of 16. acres of moore in generall taile to bee holden of the grantor by Knights service, by suit of court twice a yere and vi. s. rent.

Cher. II. **P**Rec' I. G. gen. quod ten' P. I. cōn de sexdecim acr' mores Sect. 86.
cum pertiñ in K. Et nisi &c.

¶ Ecce cōcordia talis, sc. q' p'd' I. concessit pref. P. tēta p'd' cum pertiñ, & ill' ei reddidit in eadem curia: Habend' et tenend' tenement' predict' cum pertinentijs prefat' P. et heredibus de corpore suo legit' procreat': Tenend' de dicto I. & heredibus suis per seruitium militare & sect' curie sue apud K. bis per annum, ac reddend' annuatim p'fato I. et heredibus suis sex solid' &c. ad festa &c. per equales porciones annuatim imperpetuum solvend'. Et predict' I. warrant tēta p'd' cum pertinentijs prefato P. et heredibus de corpore suo legitime procreat' (sicut dictum est) contra predictum I. et heredes suos imperpetuum. Et p' hac &c.

A Fine surreleas of Knights service, Castle gard, and murage, upon a writ of Customes and seruices for a summe of money paid, saving all other seruices made by consent of the King.

HEc est finalis concordia facta in curia domini Regis apud Westmonasteria die sancti Michaelis in xv. dies Anno regni regis H. filij regis I. quinquagesimo primū coram G. de P. & R. de M. Iustic' & alijs domini regis fidelibus tunc ibi p'sentibus, inter W. de P. quer' et H. B. defor', de consuetudinibus et seruitijs que idem W. exigerat de p'd' H. de libero ten' to suo quod pred' W. tenet in W. & W. scz. de vno feodo Militis & dimid' cum pertineñ. Et vnde idem W. exigebat de predicto H. quod faceret ei ad wardum Castri de B. quando eueniret, & ad

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& ad muragium eiusdem castri cum necesse esset. quantum ad p̄dict' tenementum pertinet. Quæ seruitia idem H. ei non cognouit. Et vnde placitum inter eos in eadem curia summonit' fuit, scilicet quod p̄dict' W. concessit pro se & heredibus suis, quod p̄dict' H. & hered' sui, & eorum tenent' de honore de B. sint quiet' de p̄dict' seruitijs imperpetuum: Saluis eidē W. & hered' suis omnibus alijs serui' ad p̄dicta tenement' pertin'. Et pro hac concessione, fine, & concordia, idem H. dedit p̄dict' W. decem & octo marcas argent'. Et hæc cōcordia facta fuit ex assensu & voluntate eiusdem dom. Regis eam concedentis. *This old fine is in Dyer, fol. 179. pla 46.*

A Fine of a Mannor in possession and other lands in reuerſion.
Sect. 88. **Salop. ff.** **P**Ræc' W. B. quod ten' F. R. cōtenc' de manerio de R. cum pertinen' &c.

¶ Et est concordia talis, sc. quod p̄dictus W. recogn' manerium & tenementa p̄d' cum pertin' esse ius ipsius F. de quibus idem F. habet p̄d' manerium cum pertin', duo mess. &c. cum prin' in R. p̄dict' parcel' tenent' p̄dictos de dono p̄dicti W. Et ill' remis. &c. Et concessit pro se & hered' suis, quod duo mess. cum pertin' in R. p̄d', residua tenentorum p̄dictos quæ A. B. vidua tenet ad terminum vite sue de hereditat' &c. post decessum ipsius A. integre reman' p̄fat' F. R. & hered' suis. Tenēd' simul cum p̄dicto manerio & tenement' parcel' quæ ei p̄ finem istum reman' de capitalibus dominis &c. Et p̄d' W. B. & hered' sui warrant p̄fat' F. & hered' suis p̄d' mania & ten' cum pertin' sicut dictum est contra omnes homines imppetuum. Et pro hac &c.

Fine by the husband and his wife of manors, messuages &c. of the aduocaton of a Church, of rent, part in possession, and part in reuerſion, with a render againe to the cognisor and his wife for their liues without impeachment of waſt, and after to the heires of the bodies of the conſors, and for default of ſuch iſſue to the heires of the bodie of the wife of the conſor, and for default of ſuch iſſue, then to the right heires of T. the cognisor for euer.

Sect. 89. **Apidd. ff.** **P**Ræcipe T. M. ar & M. vxori eius, quod iuste &c. ten' &c. A. S. armig' conuenc' de manerio de W. iuxta Y. W. in G. & S. cum pertinentiis, Ac de CCC l. mess. &c. Necnon de aduocatione ecclesiæ W. in G. in comitat' p̄dict', Et de manerio de D. cum pertinentijs, Ac de x. mess. &c. & vijs. viij. d. ob. redēd' cum pertin' in D. in com' G. Ac de manerio de S. cum pertin', Ac de sex mess. &c. cum pertin' in S. C. & V. in com' D.

¶ Et

¶ Et est concordia talis, scilicet, qd pred' T. & M. recogn' maneria, tenement, & reddit' p'd cum pertinentijs, Ac Aduocatione p'ced' esse ius ipsius A. de quibus idem A. habet predict' maneria de W. iuxta Y. W. in D. & c. Ac aduocatione p'dict' in pred' com' S. Ac predict' manerium de South C. cum pertinentijs. Ac p'dict' tenementa cu' p'rtin in South C. & V. predict', in p'dict' com' D. parcell' maner, tenement, & reddit' p'd, de dono predict' T. & M. Et ill' remis. & c. Et concessit p' se & hered' ipsius M. qd predict' maneriu de S. p'ced' in predicto comitatu S. * Ac ena predict' maneriu de D. cu' pertinentijs in predicto com' G. residuu manerio, tenement, & reddit' predict' que E. S. armig' & E. vxor eius tenent ad terminum vite ipsius E. de hereditate predict' M. die quo hec concordia facta fuit. Et quae post decessum ipsius E. ad predict' T. & M. & heredes ipsius M. debuer' reuerture post decessum ipsi' E. integre remanebunt pred' A. S. & heredibus suis. Tenend' simul cu' p'd manerijs, tenementis, & reddit' q' ei per finem istum reman' de capital' dñis feod' illius, per seruic' q' ad pred' manerium, tenementa, reddit' ac aduocatione pertinent imperpetuum. * Et pred' T. & M. & hered' ipsi' M. warrant' p'dicto A. & heredibus suis p'dicta maneria, tenementa, reddit' cu' p'rtinets, ac aduocationem pred' sicut dictu' est contra omnes homines imperpetuum. * Et p' hac & c. dem A. concessit p'fatis T. & M. pred' maneria, tenementa & reddit' cu' p'rtinentijs, ac aduocationem p'dict'. Et ill' eis reddid' in ead' curia. Habend' & tenend' eisdem T. & M. de capitalib' dñis & c. tota vita ipsoru T. & M. et eoru' alterius diutius uiuē absq' impetitione alicuius vasti Et post decessum ipsorum T. & M. p'ced' maneria, tenementa & c. integre remanebunt heredibus ipsius T. de corporib' ipsorum T. & M. legitime p'creat' Tenend' & c. * Et si nullus heres ipsius T. de corporibus ipsoru T. & M. fuer' legitime p'cr, tunc p'dicta maneria & c. integre reman' hered' de corpore ipsius M. legitime procreat', Tenend' & c. Et si nullus haeres de corpore ipsius M. fuer' legitime procreat', tunc p'dicta maneria & c. integre reman' relictis heredibus ipsius T. imperpetuum. Tenend' & c.

A fine of a Reversion of a Rent, issuing out of a manor, and 6. messuages.

Cell. II. **P**Rcipe & c. quod iuste & c. ten' conuene' & c. de quadraginta solidis reddit' cu' pertinentijs, exeunt de manerio de. Sect. 90.

Fac de sex messuag' & c. Et nisi & c.

¶ Et est concordia talis, scz. qd pred' L. recogn' predict' reddit' cum pertinentijs esse ius ipsius R. & concessit pro se & heredibus suis, quod predict' reddit' cum pertinentijs quem H. T. & A. vxor eius tenent ad terminum vite ipsius A. de predict' L. die quo hec concordia facta fuit exeunt de predicto manerio & c. cum pertinentijs quem L. H.

D. j.

Miles

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Miles modo tenet & qui post decessum ipsius A ad p̄d I. F. & heredes suos debuit reuerrere post decessum ipsius A. integre remanebit p̄d' R. & hered' suis imp̄petuū. Et p̄d' I. F. et heredes sui warrant' p̄d' R. & hered' suis p̄d' reddi cum p̄tinentijs, sicut p̄d' est, contra I. Abbat. Monasterij &c. et successores suos imp̄petuū. Et p̄ hac &c.

A fine of the reuersion of a Rent.

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HEc est finalis concordia facta in Curia dñi reg. apud W. a die P in xv. dies, Anno reg. E. filij Regis E. decimo, corā W. B. H. S. I. B. & I. M. Iustic' dñi Regis & alijs fidelibus tūc ibi p̄sentibus, inter R. P. quer' & I. B. defore', de decē marci red' cum p̄tinent' in B. quem P. de A tenet ad terminum vite, vnde placitum conuentionis sumū fuit inter eos in eadem Curia, scilicet, q̄ p̄d' I. concessit pro se & heredibus suis, q̄ p̄d' reddi cū p̄tinentijs quem p̄d' P. tenuit ad terminū vite ex dimissione p̄d' I. in p̄d' villa die quo hęc concordia facta fuit, & qui post decessum ipsius P. ad p̄d' I. & heredes suos reuerrere debuit post decessum ipsius P. integre remaneat p̄dict' R. & hered' de corpore suo procreat' Tenēd' de capital' dñis feodi illius p̄seruitia quā ad p̄d' redd' p̄tinent imp̄petuū. Et si contingat q̄ idem R. obierit sine herede de corpore suo procreat', tunc post decessum ipsius R. p̄d' reddi cum p̄tinentijs integre remanebit rectis heredibus ipsius R. tenend' de capital' dominis feodi illius p̄seruitia quā ad p̄d' reddi p̄tinent imp̄petuū. Et pro hac concessione, fine, & cōcordia, idem R. dedit p̄f. I. centū marc' argenti.

A fine of Rent service, and of the Homages and seruices of diners.

Sect. 92.

Post. II. **P**Recipe q̄ iuste &c. ten' conuenc' &c. de vñdecim solidis reddi cum p̄tinentijs in B. Et nisi prius &c.

¶ Et est concordia talis scz. q̄ p̄d' E. recogn' p̄d' redd' cum p̄tinentijs esse ius p̄d' W. Et idem E. insuper concessit eidem W. reddi illum cum p̄tinentijs simul cum homagio & totis seruitijs S. F. R. L. & I. D. & hered' suor', de tot tenementis quot ipsi seperatim de iplo E. prius tenuerunt in p̄d' villa: Habend' & tenendum eidem W. & hered' suis de capitalibus dominis feodi illius per seruicia quā ad p̄d' reddi p̄tinent imp̄petuū. Et p̄dict' E. & hered' sui p̄d' reddi cum p̄tinentijs sicut p̄dictum est, p̄f. W. & hered' suis contra omnes homines warrant' imp̄petuū &c.

A fine of 4 messuages, where the husband and the wife sell the messuages in Dower absolutely to him in the reuersion.

Sect. 93.

Ebor. II. **P**Recipe T. G. armig', & B. vxori eius, q̄ ten' I. W. & E. vxori eius conuenc' de quatuor messuagijs &c.

¶ Et est concordia talis, scz. quod cum p̄dict' T. & B. habent &

& teneant tenementa predicta cum pñ ad terminum vite pñict' B. reversione inde pñict' E. & hered' suis post decessu pred' B. spectant, ijd' T. & B. concessit prefat' I. & E. tenementa pred' cum pñ, & totum & quicquid in pñ tenementis cum pñictijs ad terminu vite ipsius B. habet, eisdē I. & E. in eadem curia reddider: Habend' & tenend' eisdem I. & E. et hereditibus ipsi' E. durante tota vita ipsi' B. de capital' dominis &c. Et pñ T. & B. warrant pñat I. & E. tenentia pñict' cum pñict' (sic ut dictu est) contra pñ T. & B. durante tota vita ipsius E. et pñ hac &c.

Tenant for terme of life, and her husband graunteth her estate for life in a manor messuages rent &c. to one B who in consideration thereof, graunteth to the Conusor and his wife for the life of the wife.

Quart. II. **P** Ræc' L. H. & D. vxori eius quod ten' B. B. con' de manerio Sect. 94.
de S. cum pertinentijs, ac de sex Messuag' &c. cū pñ in S.
¶ Et est concordia talis, scz. qd pred' L. & D. concessit. manũ, tenentia, & reddit' cum pertin' quē ijdē L. & D. tenent ad terminum vite ipsius D. reversione inde post mortē eiusdē D. cuida R. R. & hered' suis spectat pref. B. B. Habend' sibi & assign' suis tota vita eiusdem D. Et pñerea ijdē L. & D. concessit qd ipsi warrant maneriũ, tenementa, & reddit' pñ cum pertinentijs pref. B. & assignatis suis, tota vita ipsi' D. cōtra ipsos L. & D. imperpetuũ. Et pñ hac &c. idē B. concessit prefat' L. & D. quendā annual' reddit' xl. marc' legalis &c. excēut de manio & tenementis pñict' : Habend' et percipienē eundē annualē reddit' xl. marc' prefat' L. & D. pro termino vite eiusdē D. ad festa &c. per equales porciones ānuatim soluend'. Et si contingat pred' annual' reddit' &c.

A fine of a Reversion of one messuage &c. after the death of the tenant for life.

Quart. II. **P** Ræcipe P. A. quod ten' E. S. conuene' &c. de vno mes- Sect. 95.
suag' &c.
¶ Et est concordia talis, scilicet, qd pred' P. recogn' tenementa pred' cum pertinentijs esse ius ipsius E. Et concessit pñ se & hereditibus suis, quod predicta tenementa, quē W. B. & A. vxor eius tenent ad terminum vite ipsius A. de hereditate ipsius P. die quo hæc concordia facta fuit, Et quæ post decessum ipsius A. ad pred' P. & heredes suos debuerunt reuocare, post decessum ipsius A. integre remanebunt pñ E. S. & hereditibus suis imperpetuum Tenend' &c. Et predict' P. concessit pñ se & hered' suis, quod ipsi warrant pred' tenementa cum pertinentijs (sic ut dictum est) contra omnes homines imperpetuum, Et pñ hac &c.
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A fine of a rent granted out of a Manor for life, with a clause of distress for the same rent.

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Licet. II. **P**Recipe A. C. vid', q' ten' H. C. gen' conuenc' de annuo reddit' xl. s. exeunt de manerio de S. cum pertinentijs in S. Et nisi &c.

¶ Et est concordia talis, scilicet, q' p'dict' A. concessit. pref. H. pred' redditū cum pertinentijs. Et ill' ei reddidit in eadem curia: Habēd' & percipiend' p'dictos xl. s. eidē H. et assignatis suis, ad festa Annunciatiōis beatę Marię virginis, & S. Mich. archang. per æquales porciones annuatim soluend', totā vita ipsi' H. et Et si contingat pred' reddit' xl. s. a retro fore &c. qđ tūc benelicebit prefat' H. et assignatis suis, tota vita sua, in predict' manū cum pertinentijs intrare & distringere &c. Et p'd. A. et hered' sui warrant' p'fato H. et assignatis suis pred' reddit' xl. s. cum pertinentijs, sic vt dictū est, contra p'dict' A. et heredes suos, totā vita ipsius H. imperpetuum &c. Et p' hac &c.

A fine whereby three severall Annuities be granted out of a Manor, and after the manor also is granted to one E. for life, and after the death of the said E. the manor &c. to remaine to the said E. and his heires.

Sect. 97.

Stat. II. **P**Recipe E. B. vid', E. B. gener', R. B. gener', & R. B. gener', qđ ten' R. G. generos conuenc' de manerio de H. cum pertinentijs, Ac de decem mesuagijs &c.

¶ Et est concordia talis, scilicet, quod pred' Eliz. Ed. Baldw. Ra. & Rich. recogn' pred' manerium, tenementa, & reddit' cum pertinentijs esse ius ipsius R. (*cum Release and warrant.*) Et pro hac &c. idem Rog. concessit p'fat' Edw. quandā annuitatem, siue annualē reddit' vi. li. xiii. s. iiii. d. exeunt de et in manerio et tenēis p'dictis cum pertinentijs. Et ill' eis reddidit in eadē curia: Habēd' et percipiend' eundem annualē reddit' vi. li. xiii. s. iiii. d. pref. Edw. et assignatis suis tota vita sua ad festa Natiuitat' S. Ioh. Baptiste, & Annunciationis beatę Marię virginis, æquis porcionib' annuatim soluend'. Et si contingat &c. Concessit etiam idem R. quandam annuitatem siue annualē reddit' vi. li. xiii. s. iiii. d. (*et supra cum claus. district.*) Et vltēr' idem R. cōcessit p'fat' R. quādā aliā annuitatē &c. vi. li. xiii. s. iiii. d. modo & forma p'dict'. Et p'terea idē R. cōcessit p'fat' E. p'd. manū, tenementa, & reddit' cū p'tinētijs. Et ill' eis reddidit in eadē curia: Habēd' & tenēd' pref. E. et assignatis suis tota vita ipsius E. de capitalib' dñis feodi illi' &c. Et post decell. ipsi' E. p'd. manū, tenementa & reddit' cū p'tinētijs integ' reman' pref. E. & hered' suis. Tenēd' de capit' &c.

A fine

A fine of a rent out of manors to one and his wife in taile generall, and for default of such issue to the right heires of the husband, with a paine of viij. pounds for every fine weekes that the rent is behinde, and for every weeke after the v. weekes to forfait viij. li. nomine pœne with a clause of distresse.

ET pro hac &c. ijdem A. & B. concess. prefat. W. & F. quendā annualē redditū nonaginta libꝛ, de predict. manijs & tenementis cū pertinentijs. Et illas ei reddider. in eadem curia: Habend. et recipiend. predict. annualē redditū nonaginta libꝛ, eisdem W. & F. & hered. de corporibus ipsor. W. & F. legitime pꝛ, ad festa S. Mich. Archangeli, & Annunciationis beatæ Marię virginis, pꝛ equalēs portiones annuatim solvend. Et si contingat qđ ijdem W. & F. obierint sine hered. de corporibus suis legitime pꝛ, ac tunc post decessum ipsor. W. & F. idem annualis reddit. nonaginta libꝛ integre remaneat rectis heredibus ipsius W. ad festa predict. annuatim solvend. * Et si contingat pꝛdict. annual. reddit. nonaginta libꝛ a retro fore in parte vel in toto pꝛ spacium quinque septiman., post aliquod festum festor. pꝛdict., quo vt prefertur solui debeat, non solut., (si legitim. modo petatur apud C. pꝛdict.) qđ tūc et toties pꝛdict. W. T. et hered. sui forisfaciēt pꝛdict. W. & F. & hered. de corporibus suis legitime pꝛ, ac etiā rectis heredibꝛ ipsiꝝ W. si pꝛdict. W. et F. obier. sine hered. de corporibꝛ suis legitime pꝛ, ac tunc octo libꝛ nomine pœne. * Et sic qualibet septimana, post pꝛdict. quinq. septimanas octo libꝛ quoties pꝛdict. annualis reddit. nonaginta libꝛ a retro foret, qđ tunc & toties bene liceret pꝛdict. W. & F. & hered. de corporibus suis legitime pꝛ, ac etiam rectis heredibꝛ ipsius W. si ijdem W. & F. obier. sine hered. de corporibus suis legitime pꝛ, in pꝛdict. maneria & tēta cum pertinentijs intrare, & distringere, districtionesqꝫ sic ibidem capē & habitas, abducere, asportare, et effugare, ac penes se retinere, quousque tā de pꝛdict. annual. reddit. nonaginta libꝛ, cū areragijs eiusdem (si quæ fuerint) quam de pꝛdict. octo libꝛ, vt prefertur, nomine pœne forisfaci., post pꝛdict. quinq. septimanas, & pꝛ octo libꝛ pꝛ qualibet septimana post pꝛdict. quinq. septimanas, vt prefertur, eisdem plenē fuerit satisfact. & persolut. &c.

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A Fine wherein an Annuitie is granted out of fine acres of land, to one in fee, with a clause of distresse for default of payment of the same Annuitie.

Recipe T. S. de C. armig., & A. vxori eius qđ tēn W. D. Sect. 99. conuenc. de quinq. acꝛ terre cum pꝛtinentijs in E. &c.

Quod est concordia talis, scilicet, quod pꝛdict. T. & A. recognouerunt

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tenementa pred' cum pertinentijs, esse ius ipsius W. vt illa quæ idem W. habet de dono p'dictor' T. & A. Et ill' remisit & quies clamauer' de se & heredibus suis prefato W. & hered' suis imperpetuum. Et preterea p'dict' T. & A. concessit. p se & hered' ipsi' T. q' ipsi warrant p'f. W. & hered' suis tenementa p'dicta cum pertinentijs. contra omnes homines imperpetuū. Et pro hac &c. p'dict' W. concessit p'fato T. quandam annuitatem, siue annualē redditum xx.s. legalis monetæ Angliæ exent' & exitur, de, & ex tenementis p'dict' cum pertinentijs. Et ill' ei reddidit in eadē curia: Habend', tenend', & percipiend' p'ed' annuitatem siue annualē reddit' 20.s. p'd', p'fato T. & hered' suis, ad festa S. Martini Episcopi in hyemē, & Pentecost', per æquales porciones annuatim imperpetuum soluend'. Et si, ac quoties, contingat p'dict' annuitatem siue annualē reddit' 20.s. p'ed' retro fore in parte vel in toto post aliquod festum festor' p'dict', quo vt prefertur, solui debeat, nō solut', p' spaciū quadraginta dierum, quod tunc et toties bene liceat & licebit prefat' T. et heredibus suis in p'dicta tenementa cum pertinentijs intrare, & distringere, districtionesq; sic ibidem cap't, licite asportare, effugare, abducere, et penes se retinere, quousq; de tota p'dict' annuitate siue annual' redditu viginti solid' p'edict' vna cum arreragijs eiusdem, si quæ fuerint sibi sit plenarie satisfact' & persolut' &c.

A fine wherein an annuitie is granted in fee, out of 20. acres of land, with suit of Court, and Heriot after decease, release, & alienation of any tenant, with a clause of distress for default of payment.

Sect. 100

Donth. II. **P**Recipe A.B. & C.D. q' ten' F.G. conuene' de vigintat' terræ &c.

¶ Et est concordia talis, scz. q' p'ed' A. B. & C. D. recognouerunt tenementa p'ed' esse ius (vt in fine sur recognisance de droit, Release, & Warranty) Et pro hac &c. p'dict' T. concessit p'f. A.B. & C.D. quandam annuitatē, siue annualē reddit' 12 d. legalis monetæ Angliæ exent' & exitur, de et ex tenementis p'ed' cum pertinentijs. Et ill' eis reddidit in eadem curia: Habend' & percipiend' p'dict' annuitatem siue annualē reddit' 12 d. ei' mē A.B. & C.D. et hered' ipsi' A. ad festa S. Mich. archang. & Annuntiationis beatæ Mariæ, virginis, per æquales porciones annuatim soluend'. * Ac etiam p'ed' F. concessit p' se & heredibus suis p'f. A.B. & C.D. & hered' ipsius A. ad faciend' festam annuatim Cur' p'dict' A.B. & C.D. & hered' ipsius A. apud maneriū suum de C. bis in anno super licitam monitionem inde prehabitu', Tenend' &c. Ac soluend' post decessum, recessum, et alienationem tam p'dicti F. & hered' suoru', quā cuiuslibet alterius tenentis existēti liberi tenentis testorū p'dict', vel alicuius inde p'cell', optimū animal cuiuslibet hūdi tenent, nomine Heriot.

Heriot. * Et si contingat prædictam annuitatem siue annualem redditu, aretro fore in parte, vel in toto, post aliquod festum festorum prædictorum, quo, vt præfertur, solui debeat, non solut, aut secl' cur prædict' non fieri, siue heriot prædict' cum acciderit non solui aut deliberat, qd' tunc bene licebit præd' A.B.& C.D. ac hered ipsi' A. in tēta præd' cū pñentijs intrare, & distringere, distictionesque sic ibidem capē, licite abducere, asportare, ac penes se retinere, donec & quousque tam de prædicta annuitate siue annual' redd' xij. s. vna cum arreragijs eiusdem, si quæ futrint, quam de secl' Cur et Heriot prædict' aretro existen', eisdē A.B. & C.D. & hered' ipsius A. plenarie fuer solut, content, & satisfact &c.

*A fine wherein an Annuitie is granted out of a manor, messuages, and rent in fee, payable at a certaine day, honre, and place, with a forfeiture
Nomine pœne, for the default of payment of the Annuitie and paine.*

Wartw. ff. **P**Recipe A.B. armig', qd' ten' C.D. conuenc' de manerio Sect. 101.
de L. cum pertinentijs. Necnon de quatuor messuag' &
decem solidis reddit, cum pertinentijs in L. p'd' &c.

¶ Et est concordia talis, scilicet quod præd' A. B. recognouit (vt in sue sur recognisance de droit.) Et pro hac &c. idem C. concess. præfat A. quandā annuitatem siue annualem redditū vii. lib' legalis monē Anglię exeunt & exitur de et in manio & tenementis cum pertinentijs. Et illam ei reddidit in eadem curia: Habend' & percipiend' prædictā annuitatem siue annualem reddit' vii. li. præfato A. hered' et assignatis suis, decimo die Sept. inter horam nonam ante meridiem, & horam tertiam post meridiem eiusdem diei annuatim, apud domum siue mansionalem vulgariter nuncupatū S. situat in foro suo vocato *le p'arket thead* in villa C. in comitatu D. soluend'. Et si contingat prædict' annuitatem siue annual' redditum sept. lib', aretro fore, in parte, vel in toto, p' spacium xiiij. dierum, post prædictam decimam diem Sept. quo vt præfertur solui debeat, non solut, q' tunc præd' C. & heredes sui forisfacient eidem A. & heredibus suis xiiij. s. iiii. s. nomīnē pœnē, toties quoties prædicta annuitas siue annual' is redditus, aut aliqua inde parcella, sic aretro fore contigerit, Et bene licebit prædict' A. et heredibus suis in prædictum manerium, et cetera premissa cum pñentijs, & in quamlibet inde parcell' intrare, & distringere, tam pro prædicta annuitate siue annuali redditu septem lib', & pro qualibet inde parcell', quam pro prædict' xiiij. s. iiii. s. nomīnē pœnæ eidem A. & heredibus suis forisfact toties quoties sic aretro fore contigerit non solut, distictionesque sic ibidem capē, et habēt, licite abducere, asportare, et effugare, et penes se retinere, quousque

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quousquetam de p^a annuitate siue annuali redditu septem lib^{is}, quam p^{er} p^{re}dictis xiii. s. iiii. d. nomine poen^e toties forisfact^{us} plenarie fuer^{it} eid^e A. & heredibus suis satisfact^{us} & persolut^{us} &c.

A fine in which the Conuisors graunt to the Conusees in taile, an annuall rent of 4. li. issuing out of a manor payable at two feasts in the yeare, with a clause of distresse for the said rent, and for xx. s. Nomine poena if the rent be not paid.

Sect. 102

Staff. II. **P**Recipe &c. quod iuste &c. ten^{er} conueni^{er} &c. de manerio de B. Et nisi &c.

¶ Et est concordia talis, scz, q^{uod} pred^{icti} I. B. & E. recogn^{oscunt} man^{erium} pred^{ictum} cum p^{ri}u^{ilegio} esse ius ipsius R. vt ill^{ud} que ijd^e R. et M. habent de dono pred^{icti} I. & E. Et ill^{ud} remisit et quiet^{um} clau^{is} de ipsis I. & E. & hered^{ibus} ipsius E. p^{er} R. & M. & hered^{ibus} ipsi^{orum} R. imperpetuum. Et preterea ijd^e I. & F. concessit p^{ro} se & hered^{ibus} ipsius E. quod ipsi warrant^{ant} pred^{ictum} manerium cum p^{er}tin^{et} p^{re}f. R. & M. et hered^{ibus} ipsius R. contra omnes homines imperpetuum. * Et pro hac recognitione, remissione, quiet^{um} clamatione, wart^{um}, fine et concordia, ijd^e R. & M. concess^{it} p^{ro} se & hered^{ibus} suis p^{re}fat^{is} I. & E. et hered^{ibus} de corpore ipsius E. legitime procreat^{is}, quatuor libras reddit^{us}, exeunt de man^{erio} pred^{icti} cum p^{re}sentijs. Et ill^{ud} eis reddiderunt in ead^e curia: Habend^{um} et p^{er}cipiend^{um} singulis annis, scz, vn^{am} medietat^{em} inde, ad festum S. M. & alia medietat^{em} inde ad festu^m Annuntiationis beate Marie virginis eisdem I. & E. & hered^{ibus} de corpore eiusd^e E. legitime p^{ro}creat^{is}, quibus porcionibus annuatim soluend^{um} p^{ro} man^{erio} ten^{et} u^{bi} qui idem man^{erium} cu^m p^{er}tinentijs in poster^{um} teneb^{unt}. Et p^{re}terea ijd^e R. & M. concess^{it} p^{ro} se et hered^{ibus} suis, q^{uod} si pred^{icti} reddid^{er} ad aliqu^{od} t^{er}minu^m, quo solui debeat, a retro fuer^{it} in p^{re}, vel in toto, q^{uod} t^uc bene licebit p^{re}f. I. et hered^{ibus} de corp^{ore} ipsi^{orum} E. legitime p^{ro}creat^{is}, distringere pred^{ictum} R. & M. et hered^{ibus} suos, ac illos qui idem man^{erium} in poster^{um} teneb^{unt} p^{ro} o^{mnia} bona et catalla, in eod^e man^{erio} cu^m p^{er}tinentijs inuent^{is}, p^{ro} xx. solid^{is} nomine poen^e, p^{ro} quolibet t^{er}mino, sic aref^{ect} existet^{ur} p^{er} sp^{acium} vni^{us} mensis, Et ea retinere vsq^{ue} ad plenam soluc^{ionem} tam de p^{re}dict^{is} quatuor lib^{ris} redd^{itis}, qua^m de p^{re}dict^{is} xx. solid^{is} nomine poen^e quaz eis sic aref^{ect} fuer^{it} &c.

An writ of Covenant for the King, for the tith corne of a parish, and the maner of the endorsement thereof, by his Attourney

General.

Sect. 103.

Cur. II. **P**Recipe A. B. & C. q^{uod} ten^{er} nobis convention^{em} inter nos & p^{re}f. A. & C. factam de omnib^{us} et omnimod^{is} decimis gra^{uis} no^{stris} crescen^{tijs}, p^{ro}uenien^{tibus}, siue renouan^{tibus} infra parochiam de Hoton. Et nisi fecerint, sum^{us} p^{er} bonos summoni^{ti} &c.

Hic

Hoc breue indorsetur sic.

¶ Edwardus Coke armig^r Attorn^r domin^r Reg. generalis pro eodem domino Rege sequitur hoc breue.

A fine knowledged by T. W. to I. R. of one mesuage, one barne, of land, meadow, and pasture, and warrantie against all men.

cler. n. **P** Rec^r T. W. a^r q^r iuste &c. teneat I. R. conuene^r inter eos fact^r, de vno messuagio, vno horreo, xxv. acris terre, quatuor acris prati, & decem acris pasture cum p^rtin^r in L. Et nisi &c. Sect. 104.

¶ Et est concordia talis, scz. quod pred^r T. recognouit teⁿta pred^r cum pertinentijs esse ius ipsius I. vt illa que idem I. habet de dono pred^r dict^r T. Ecilla remisit & quiete clamauit de se et hered^r suis imp^rpetuum. Et preterea idem T. concessit p^r se et hered^r suis quod ipse warrantabit tenementa pred^r cum pertinentijs pref. I. et hered^r suis contra omnes homines imp^rpetuum. Et p^r hac recognitione &c.

A fine knowledged by T. B. and E. his wife of a manor, of two messuages, of land, pasture, wood & rent, & v. s. rent to I. K. with warrantie against all men: and the said I. K. by the same fine granteth and rendreth back again the premisses to the said conuors, and to the heires of the said T. one of the said conuors for ever.

P Ræc^r T. B. & E. vxori eius quod iuste &c. teneant W. L. & I. K. conuenciones inter eos fact^r de manerio de W. cum p^rtin^r ac de duobus messuagijs, octaginta acris terræ, centum acris pasture, sexaginta acris bosci, & quinque solid^r redditus cum p^rtin^r in H. & B. Et nisi &c. Sect. 105.

¶ Et est concordia talis, sc. quod pred^r T. & E. recognouerunt maner^r teⁿta & reddit^r pred^r cum p^rtin^r esse ius ipsius W. vt illa quæ ijdem W. & I. habent de dono pred^r T. & E. & illa remiserunt et quiete clamauerunt de ipsius T. & E. & hered^r suis pref. W. & I. & hered^r ipsius W. imp^rpetuum. Et preterea ijdem T. & E. concessit p^r se & hered^r ipsius E. quod ipsi warrant maneria, tenement^r & reddit^r pred^r cum pertinentijs pref. W. & I. & hered^r ipsi^r W. contra omnes homines imp^rpetuū: Et p^r hac recognitione &c. ijde W. & I. concessit p^r T. maner^ru teⁿta et reddit^r pred^r cum p^rtin^r et illa ei reddiderunt in eadem curia: Habend^r & reuend^r eidem T. et hered^r suis imp^rpetuum.

A fine knowledged by H. K. and I. his wife, I. C. & K. his wife, to R. G. of one messuage one garden, of land and pasture, & the same conuors for the and the heire: of 10. doe warrant two parts of the premisses in iii. parts diuided to the conusee and his heires against all men for ever.

Precipe

Fines and Concords.

Señ. 106.

PRæc' L.H. & I. vxor eius q' iuste &c. ten' R. G. conuene' inter eos fact' de vino mess. vno gardin, 10. acf terz, & 4. acf pastur cum pertiñ in &c. Et nisi &c.

¶ Et est concordia talis, q' p'd I. & I. recogn' ten'ta p'd eū pertin' esse ius ipsius R. v' illa q' idem R. habet de dono p'd H. & I. I. & K. & illa remisit & quiet' clām de ipsis H. & I. I. & K. et hered' suis pref. R. & hered' suis imp'pet. Et p'terea ijdem H. & I. I. & K. concess. p' se & hered' ipsius l. q' ipsi war' duas partes ten'tor p'd cum pertiñ in tres partes diuid' p'f. R. & hered' suis contra omnes homines imp'pet. Et p' hac &c.

A fine knowledged by I. F. Kn. & M. his wife, & R. H. of 2. messuages, 1 garden, 1. orchard, and of land, meadow, & pasture, to T. P. & I. K. with warranty against all men. And the comsees by the said Fine grant, & render to the said R. one of the comsors in the fine vi. acres of land &c. parcel of the premises for one moneth to come next, & afterwards the same to remaine to one I. now the wife of R. N. & R. N. sonne of the said R. and I during their liues, and the longer liuer of thē. And after their deceases the said 6. acres of land to remaine to I. N. daughter of the said R. and I. his wife, during her life, reseruing a rent with clause of distresse for non payment thereof. And the residue of the premises, viz. the two messuages, one garden, one orchard &c. the said comsees grant and render to R. H. for one month, & afterwards to one R. N. & I. his wife. To haue & to hold to the said R. and I. during their liues and the longest liuer of them, reseruing also thereupon a rent with a clause of distresse for non payment thereof. And lastly the said comsees doe grant and render the reuerſion of the whole premises, and the ſeueral rents reserved vpon the said grants and renders vnto the said I. F. and M. his wife, two of the said comsors, and to the heires of the said I. F. for euer.

Señ. 107.

PRæc' I. F. militac M. vx' ei', & R. H. q' iust' &c. ten' T. P. & I. K. &c. de 2. mess. i. gard. i. pom, 2. acf fre, 9. acf praef, & 58. acf pastur cum pertiñ in M. Et nisi &c.

¶ Et est concord' talis, sc. q' p'd I. M. et R. recogn. ten't p'd cū pertiñ esse ius ipsius T. et ill' q' id' T. et I. habent de dono p'f. I. M. & R. Et ill' remisit & quiet' clām de ipsis I. M. & R. et hered' suis p'd T. et I. et hered' ipsi T. imp'pet. Et p'terea ijd' I. F. M. et R. concess. p' se et hered' ipsi l. q' ipsi war' ten't p'd cū pertiñ p'f. T. et I. & hered' ipsi T. cōf oēs hoies imp'pet. Et p' hac &c. ijd' T. & I. concess. p'd R. 6. acf fre, 1. acf praef & 4. acf past. detentis p'd cū pertiñ & ill' ei redd' in ead' cur' Hēd' et tenend' eid' R. p' tñ vni' mēſis iā p'x' futur. Et post finit' ill' finit, ead' 6. acf fre, 3. acf praef, 4. 6. acf pastur cū pertiñ integ' reman' cuidā I. modo vxor ei' iud' R. N. & cuidā R. N. filio eorund' R. et I. Hēd' et tenend' p'f. I. et R. tota vita ipsor I. et R. et eor' alteri' diuti' viuēt: Et post decess. eorund' I. & R. ead' 6. acf fre, 3. acf praef, & 4. 6. acf past. cū pertiñ integre reman' I. N. filiz p'd R. et I. vxor eius: Hēd' et tenend' eid' I. filiz tota

Warrantie

The render of
the parcell of
the premises.

The Reng.

vita

vita eiusd' I. filie redd' inde annuat p'd T. & I. et hered' suis cent' & 8. s.
 10. d. ad festum Annunc' &c. p. æquales porc' annuat solucend'. Et si cō-
 tingat pred' annualet reddid' Cviij. s. x. d. vel aliquā inde pcellā à retro
 foro in pte vel in toto p aliquod festū festorum p'd quo siue quibus (vt
 preferat' solui debeat non solut'. Qd' tunc beneliceat p'd T. & I. hered'
 & assign' suis tam tēta vita naturali p'd I. & R. N. modo vxor p'd R. &
 eorum alterius diut' viuen' quam tota vita p'd I. fil' in pred' 6. acras terf'
 &c. cum p'tin' & in quamlibet inde parcell' intrare & distringere, & di-
 striction' sic ibid' cap' liceat inde abducere effug' et penes se retinere
 quousq' de p'd annuat reddid' Cviij. s. x. d. & de qualibet inde pcella
 vna cū arrerag' eiusd' si q' fuerint eis plenarie sūc' satisfact' & p'solut'. Et
 vterius ijdem T. & I. concessit p'd R. H. duo mesluagia, vnum pomaſ,
 vnum gardiñ, 1 6. acf, terf', 3. acf prati, & 12. acf pastur' resid' cum p'tin'
 tenor' p'd. Et illa ei reddider' in eadem curia: Habend' & tenend' eid'
 R. pro termino vnus mensis. Et post terminum ill' finit, ead' duo mes-
 luagia, vnum gardiñ, vñ pomaſ, 1 6. acf terf', tres acf prati, & duodecem
 acf pastur' resid' integre reman' cuidam R. N. & I. vxori eius: Habend'
 & tenend' eisdem R. N. & I. tota vita ipsor' R. N. et I. et hered' eorum al-
 terius diutius viuen'. Reddend' inde annuatim p'd T. & I. et hered' eorū
 33. s. legalis monete Angel' ad festa pred' per æquales porcion' soluēd'.
 Et si contingat pred' annuat reddid' xiii. s. aut aliquā inde parcellam à
 retro fore in parte vel in toto post aliquod festū festor' p'd quo vt p'sert'
 solui debeat non solut'. Qd' tunc benelicebit pref. T. & I. in p'd duo
 mesluag' vñ gardiñ, vnum pomaſ, xvi. acf terf', 3. acf prati, & xij. acf
 pastur' resid' cum p'tin', & quamlibet inde parcell' intrare & distringe-
 re, districtioneſq' ibidem sic cap' liceat abinde abducere, effugare, et
 penes se retinere quousq' de p'd reddid' xiii. s. vna cum arrerag' eiusdem
 si que fuerint plenarie fuerint satisfact' & p'solut': Concessit etiam p'd
 T. & I. K. p'd I. F. & M. reuerſion' omniū et singulor' tenor' p'd cū p'tin'
 & oēs reddid' p'd superius reseruat' & illa eis reddider' in ead' curia. Ha-
 bend' et tenend' eisd' I. & M. et hered' ipsi' Limp petuū de capital' dñis
 redditibus p' seruicia que ad pred' tenē cū p'tin'. p'tinent in perpetuum.
 And the same land by G. H. and D. his wife T. S. Esq. and A. his wife of xl.
 acres of land to R. B. and W. N. with warrantie. And she comfesses doe
 graunt and render to the said D. and to her heires, all mines of coales in a
 ches parcell of the premisses called Stanley field, with libertie to dig for
 the same. And she is bounden to make 20. murgans long murgans
 of Rape G. H. and D. vxori eius, T. S. and M. vxori eius, quod
 illis &c. tenent R. B. & W. W. conuencionem inter eos fact' de
 iocis terre cum p'tin' in Stanley & Spendon. Et nisi &c. si q' p'tin'
 & est concordia talis, sc. quod p'rad' G. D. T. & M. recognouer'
 tenent p'rad' a person esse in ipsius R. vti illa que p'd p' B. & M.
 habent

A clause of dis-
tress.

The render of
residue.

Rent for the
residue.

A Clause of
distress.

The render of
the reuersion
of all the pre-
misses and all
the rents refer-
ued.

Sec. 108.

Fines and Concords.

The conusees
doe graunt &
render coale
mines in part
of the premis-
ses to two of
the conufors
and libertie to
get them.

habent de dono p^{re} G.D.T. & M. Et illa remiserunt et quiet clamane-
runt de ipsiis G.D. I. et M. et hered' suis p^{re} R. & W. & hered' ipsius
R. contra p^{re} G.D.T. & M. & hered' ipsius T. imp^{er}petuum. Et pro
hac recognitione &c. p^{re} R. & W. concesserunt p^{re} G. &
D. omnes mineras carbonum vocat all *Spines of Coales*, existē in
quodam campo parcell' tenem p^{re} vocat *Stanley field*: necnon libet
ingressum & egressum in et sup p^{re} camp ad fodend' in mineris illis p^{re}
carbonibus illis omni tempore Anni ad libitum ipsorum G. & D. et he-
red' eiusdem D. Et illa omnia eis reddiderunt in eadem cur'. Habend'
capiend' & percipiend' p^{re} miner', ingressus, egressus, ac libertat' p^{re}
cum p^{er}tin' p^{re} G. & D. & hered' ipsius D. imp^{er}petuum.

*A Fine knowledged by W. K. and K. his wife of the third part of one messu-
age, one barn, one garden &c. to I. K. and T. H. with warrantie against
all men: and the said conusees doe grant & render to the said S. one of the
conufors, the said third part of the premisses from Micha. or Thammuni-
ation &c. which first shall happen to be next after the death of one E. now
the wife of W. T. for the terme of xxi. yeares, reserving a rent yearly to
the conusees with a clause of distress for the saide rent. And lastly the
said conusees grant and render the reversion of the said premisses to W. K.
and K. his wife being ii. of the said conufors in the said fine, & to the heirs
of the said K. for ever.*

Sect. 109.

PRecipe W. K. & K. vxori eius quod iuste &c. teneant I. K.
& T. H. conuencionem inter eos fact' de tertia parte vnius
messuagij, vnius horrei, vnius gardini, 30. acrarum terre, duarum
acrarum prati, et 10. acrarum pasturæ cum p^{er}tin' in &c. Et iussu
&c.

Warrantie.

The render.

¶ Et est concordia talis, sc. quod p^{re} W. K. & S. recognouerunt
tertiam partem p^{re} cum p^{er}tin' esse ius ipsius I. vt illa quæ ijdem I.
et T. habent de dono p^{re} W. K. & S. Et illa remiserunt & quiete cla-
mauerunt de ipsiis W. K. & S. & hered' suis p^{re} I. & T. & hered' ipsius
I. imp^{er}petuum. Et p^{re}terea ijdem W. K. & S. concesserunt p^{re} se &
hered' ipsius K. quod ipsi warrant tertiam partem p^{re} cum p^{er}ti-
nentijs p^{re}fat. I. & T. et hered' ipsius I. contra omnes homines imp^{er}-
petuum. Et pro hac recogn' ijdem I. & T. concessit p^{re} S. tertiam
partem p^{re} cum p^{er}tin' & illam eis reddiderunt in eadem curia. Ha-
bend' & tenend' eidem S. a festo Sancti Michaelis Arch. vel a festo
Annunc' beate Mariz virginis quod prius & proximum consuevit
erit post mortem cuiusdam E. modo vxor W. T. & nuper vxor B.
C. defunct' vsque ad finem et terminum xxi. annorum excu-
quen' & plenar' complend' alledend' inde per Anni p^{re} I. & T. ad

ad festum Annunciationis beatę Marię virginis & sancti Michael' Archang' per æquales porciones soluend'. Et si contingat pred' annualem reddid' xii. d. vel aliquā inde parcellā aretro fore in parte vel in toto post aliquod festum festorum pred' quo vt prefertur solui debeat monsoluē, quod tunc bene licebit pref. I. & T. hered' & assign' suis in tertiam partē pred' cum pertinēti & in quamlibet inde parcellā intrare et distringere, distictionesque sic ibidem capē liceat ab inde abducere, effugare, asportare & penes se retinere, quousque de pred' annuali redd' xii. d. & de qualibet inde parcella vna cum arreragij; eiusdem si quę fuerint, plenariē eis fuerit satisfact'. & persoluē. Concesser' etiam pred' I. K. & T. H. pred' W. & K. reversionem : partis pred' cum pertin' & redd' pred' superius reservat'. Et illa eis reddiderunt in eadem curia : Habend' & tenend' eisdem W. & K. & hered' ipsius K. imperpetuum de capitalibus dominiis feod' illius per seruic' quę ad eandem tertiam partem pertinent imperpetuum.

Clause of distresse for the rent.

The grant of the reversion & the rent reserved vpon the lease for 21 years.

A Fine knowned by W. P. and M. his wife of a manor &c. one water mille, one wine mille, iii. done houses &c. to E. B. and R. C. and the consuees by the same fine do graunt vnto the said M. a yerely rent of xii. li. going out of the said Manor: Habend' from Michaelmas or Thannunciation next after the death of the said W. P. her husband, and one of the consuees in the said fine during her life, in the full recompence of her title of dower or ioynture in any of the lands of her said husband, with a clause of distresse for the said rent. And lastly the said Consuees graunt and render againe the said Manor &c. to the said W. P. the consuee, and husband to the said M. and to his heires for euer.

Est concordia talis, sc. quod pred' W. & M. recognouerunt manerium & tēta pred' cum pertin' esse ius ipsius E. & R. vt illa quę iidem E. & R. habent de dono pred' W. & M. Et illa remiserunt & quicquid clamauer de se & hered' suis p'f. E. & R. & hered' ipsius E. imperpetuum. Et p'terea iidem W. & M. concesser' p' se & hered' ipsius W. quod ipsi war' manerium & tēta pred' cum pertin' pref. E. B. & R. & hered' ipsius E. contra omnes homines imperpetuum: Et pro hac recogn' cione &c. iidem R. & E. concesser' pref. M. quandam annualem redd' xii. li. exequū de pref. Manerio & tenementis cū pertin'. Habend' et tenend' & annuatim percipiend. pred' annualem reddid' xii. li. pref. M. & assign' suis a festo sancti Michaelis Archangeli vel Annunc' beatę Marię virginis proximū & immediate sequen' post mortem pred' W. pro & durante vita naturali eiusdem Marię ad duos Anni terminos, viz. ad festa Sancti Michaelis Arch. & Annunc' beatę Marię virginis equalibus portionib' annuatim soluend' in plenam recompensationem totius cuius vel iuncture siue dotis quę eidem M. cōtingere debent de aliquib' terris.

Seft. 110.

Warrantie.

A graunt of a rent in recompence of ioynture & dower.

tizabunt teñta pred' cum pertin' pref. N. & hered' suis imperpetuum.
Et preterea ijdem I. & M. conceller p se & hered' ipsius l. qd ipsi war-
raut pred' teñta cum pertin' pref. N. & hered' suis contra c mnes homi-
nes imperpetuum. Et pro hac &c.

The second
warrantie.

*A fine knowledged by E. R. of a manor, &c. twelve messuages, x. tostes x.
Gardens, ii. winde milles &c. and vi. li. rent, with warrantie against all
men.*

2

PRecipe E. R. armig', quod iuste &c. teneat H. W. gesñ, con- Sect. 113.
uentionem inter eos fact' de manerio de S. cum pertin', ac de
xij messuagijs, x. tostis, x. gardinis, duobus molend' ventilibus,
600. acris terre, 40. acris prati, 6. acris pasture, ducent' acf bosci,
quingent' acris iampin' & brueræ & vj. li. reddit' cum pertin' in
&c. Et nisi &c.

¶ Et est concordia talis, sc. quod pred' E. R. recognouit manerium
tñta et reddit' pred' cum pertinentijs esse ius ipsius H. W. vt ill' quæ i-
dem H. habet de dono præd' E. Et illa remisit & quiere clamauit de ip-
so E. et hered' suis præd' H. et hered' suis imperpetuum. Et preterea idem
E. concessit pro se et hered' suis quod ipsi warrantizabunt præd' H. &
hered' suis maner', tenesñ et reddit' pred' cum pertinentijs, contra omnes
homines imperpetuum. Et p hac &c.

*A fine acknowledged within the Countie of Chester by H. S. Esq. to W. F. &
R. C. of diuers manors, &c. with warrantie against all men. And the co-
nufors by the same fine, graunt and render the same manors &c. vnto the
conufor and his heires males, and for default of such heires males, then to
certaine persons for the life of I. S. brother vnto the said conufor, and af-
ter his death to his heires males. And if the said I. S. died without heire
male, then to diuers other of the name and kinred of the conufor, and to
their heires males, and for default of such heire, the last remainder in fee
to the right heires of the conufor for ever.*

Hec est finalis concordia fact' in curia domini Regis apud Cestri- Sect. 114.
Ham die Lunæ &c. Anno &c. coram M. H. milite iusticiario domi
Regis & alijs domini Regis fidelibus tunc ibidē presentibus inter W.
F. & R. C. quæst. & H. S. de O. in com' Cestriæ arñ, de maner' de O. &
Q. cum pertinentijs, ac de xiiij. messuagijs, 500. acf terr', 200. acf prati,
500. acf pasture, 60. acf bosci, C. acris more & marisci, et ij. s. reddit'
cum pertin' in O. O. in C. & W. ac de medietate manerij de E. cum p-
tin' & de 6. messuagijs, C. acris terre, C. acf prati, xxx. acf pasture, ij. -
acris bosci, xx. acris iampinorum & brueræ cum pertinentijs in E. Vnde
placi-

Fines and Concords.

Warrantie.

The render.

Remainders
in taile.
The remain-
ders after the
death of I. S.
the Conufors
brother to the
heires males
of the faid I. S.
The other re-
mainders if the
faid I. S. die
without heire
male.

The laſt re-
mainder in fee
to the right
heires of the
conuſor for
euer.

placitum conuentionis ſummonit fuit inter eos in eadē curia, ſcilicet, quod
pred' H. recogn' manet teñta & reddit' pred' cum pertin' ac p'd medietat'
ſuam manerij de E. & pred' teñta in E. pred' cum pertin' eſſe ius ip-
ſius W. vt illa quæ iſdem W. & R. C. habent de dono pred' H. Et illa
remiſerunt & quiete clamaueſ de ipſo H. & hered' ſuis præf. W. & R.
& hered' ipſius W. imperpetuum. Et preterea idem H. conceſſit p' ſe
& hered' ſuis q' ipſe et hered' ſui warrant' maneria, teñta & reddit' pred'
ac pred' medietatem pred' manerij de E. et pred' teñta in E. pred' cu
pertin' præf. W. & R. & hered' ipſius W. contra omnes homines imp-
petuum, Et pro hac recogn', remiſſione, quiete clām, warrant', fine, et cō-
cordia pred' W. & R. in eadem curia conceſſer præf. H. M. manet teñ-
ta & reddit' pred' ac p'd mediet' pred' man' de E. & pred' tenement' in E.
pred' cum pertin' & illa ei reddider' in eadem curia: Habend' eidem H.
& hered' masculis de corpore ſuo legitime procreaſ. Et ſi contingat
pred' H. obire ſine hered' masculo de corpore ſuo legiſ procreaſ,
Quod tunc pred' manet teñta & reddit', ac pred' medietas pred' ma-
nerij de E. ac pred' teñta in E. cum pertin' poſt mortem pred' H. S.
R. S. filio & hered' appareñ T. S. arm', R. S. filio E. S. R. B. & E. B. p'
termino vitæ I. S. ſiatis pred' H. remaneant. Ita quod manet teñta &
reddit' pred' ac pred' mediet' pred' manet de E. et pred' tenementa in
E. cum pertinentijs poſt mortem pred' I. S. hered' masculis de corpore
pred' I. legitime procreaſ remaneant. Et ſi contingat eidem I. S. ſine
hered' masculo de corpore ſuo legitime proci obire, quod tunc manet
tenementa & reddit' pred', ac pred' medietas pred' manerij de E. &
pred' tenementa in E. pred' cum pertinentijs, T. S. de S. armig' & he-
red' masculis de corpore ſuo legitime proci remaneant. Et ſi contin-
gat pred' T. S. ſine hered' masculo de corpore ſuo legitime proci ob-
ire, quod tunc pred' manet teñta & reddit', ac pred' medietas diſt'
manerij de E. & pred' tenementa in E. præd' cum pertin' T. S. filio G.
S. & hered' masculis de corpore eiſdem T. S. filij pred' G. legitime
proci remaneat &c. Et ſi cōtingat eidē G. ſine herede masculo de corp'
ſuo legitime proci obire, quod tunc manet teñta & reddit' pred' ac pred'
medietas diſt' manerij de E. & tenementa pred' in E. pred' cum pertin'
rectis hered' præf. H. S. remaneant imperpetuum.

*A Fine knowledged before the Juſtices of Cheſter by B. P. and E. his wiſe
of a manor, &c. one water mille, one douchouſe, one garden, two orchards
&c. with warrantis.*

Señ. 115.

PRecipe B. P. & E. vxori eius quod iuſte &c. teneant I. S.
Arm' conuencionem inter eos fact' de maner' de O. al'
O. ac de vno molendino aquatico, vno columbario, vno
gardi-

gardino, duobus pomarijs, centum acf terræ, sexaginta acf prati, ducent acris pasturæ, quadraginta acris bosci, centum acris bruer, trescent acris more, centum acris turbarie, quinquaginta acris marisci, triginta acris terræ aqua cooperf cum pcin' in O. Et nisi &c.

¶ Et est concordia talis, scz. quod pred' B. & E. recognouerunt manerium & tenementa predict' cum pertin' esse ius ipsius I. Et illa remiser & quiete clamauef de se & hered' suis prefat. I. & hered' suis imperpetuum. Et præterea pref. B. & E. concesser pro se & hered' ipsius B. quod ipsi warrantizabunt maner & teñta pred' cum pertinentijs pf. I. & hered' suis contra pref. B. & E. & hered' ipsius B. imperpetuum. Et pro hac &c.

Warrantie.

A fine knowledged by an Earle and his wife of a manor, aduowson, liberties, free warren, and free fishing, and a fould course for 2000. sheepe.

¶ Recipe Tho. comiti Suffex & Fran. vxori eius q iuste &c. teneant Will' Curslon af conuenc' inter eos fact' de manerio de B. cum pertinentijs, ac de 80. melluagijs, 40. coragijs, 10. tottis, 100. gardinis, 60. pomarijs, 400. acris terræ, 60. acris prati, 200. acris pasturæ, 20. acris bosci, 40. acris iampnos & brucere, 200. acris more, 100. acris alneti, 20. s. redd' cum pertinentijs in Billingford alias Billingfoorth, Bylowe alias Bylingh. &c. necnon aduocatione ecclesiæ de Bylingfoord, ac de libertate vnius Foldagij ad 2000. ouium, libera warrenna, & libera piscaria in B. &c. Et nisi &c.

Seft. 116.

¶ Et est concordia talis, sc. q pred' comes & Francisca recognouit pred' mania tenement et reddit cum pertinentijs ac aduocatione libertate libe warrenna & liberam piscaria pred' esse ius ipsi W. ut illa quæ idem W. habet de dono pred' comitis & Fr. Et illa remisit et quiete clamauef de se et hered' suis impet. Et præterea ijdē comes & Fr. cōcess. p se & hered' ipsius comitis q ipsi warrantizabunt mania teñta et reddit pred' cum pertinentijs, ac aduocatione, libertate, libe warrenna, & libera piscar p d pfa W. & hered' suis contra oēs hoies impet. Et p hac &c.

Warrantie.

A fine knowledged by the husband & the wife, & a third person, of certaine acres of land, meadow and wood, and the husband and the wife warrant the land to the comusees and to the heires of the one of them: and the same Comusees graunt and render againe the land to E. wife of one of the Comsors from Michaelmas past for the terme of 99. yeares without impeachment of waste, yeelding a rent to the Comusees, and to the heires and assignes of one of them with a clause of distresse for non pay-

Fines and Concords.

ment of the rent : and afterwards they grant the rent, and the reversion of the lands in fee. to one W. W.

Sect. 117

Warrantie

The Render.

Rent.

Cause of distress.

The render of the Rent & reversion of the land to one in fee.

PRecipe W. Waltraue arm^u & E. uxori eius & E. E. quod iuste &c. teneant R. R. & T. G. conuencionem &c. de duabus ac^{re} terræ, duabus ac^{re} & dimidⁱ prati, et 70. acris bosci, cum pertinentijs in E. Et nisi &c.

Et est concordia talis, scilicet, quod predictⁱ W. E. & E. recognouer^u predictⁱ tenementa cum pertinentijs esse ipsi^u R. villa q^{ue} idem R. & T. habent de dono predⁱ W. E. & E. Et illa remiserunt & quiete clam^{au} de ipsis W. E. & E. & heredⁱ suis predⁱ R. & T. et heredⁱ ipsius R. imperpetuum. Et preterea ijdem W. & E. concess^{er} p^{ro} se & heredⁱ ipsius W. quod ipsi warrantizabunt predⁱ R. & T. & heredⁱ ipsius R. predictⁱ tenementu cum pertin^{entijs} contra omnes homines imperpetuum. Et p^{ro} hac recognitione &c. predⁱ R. R. & T. G. concess^{er} p^{re}sentⁱ E. predⁱ tenementa cum pertinentijs & illa ei redd^{er} in ead^e curia. Habend^u & tenend^u eid^e E. a festo S. Michaelis Archangeli iam ultimo p^{re}sentⁱ usq^{ue} ad fin^{em} et terminu 99. annor^{um} tunc p^{ro}xi^mu sequen^{te} & plenarie compl^{et}u absque impetitione alicuius vass^{alli} : Redd^{er} inde annuatim p^{re}sentⁱ R. & T. et heredⁱ & assignatⁱ ipsius R. duraⁿ toto fⁱⁿⁱno predⁱ sexagintⁱ solidⁱ et vnum denar^{ium} legalis monetæ Angli^e Ann^{un}ciationis beatæ Mariæ & S. Michaelis Archangeli & quis porcionibus soluend^u : Et si contingat predictⁱ reddit^{us} 60. solidⁱ et vni^u denarij aretr^u fore in part^e vel in toto post aliquod festu festor^{um} predⁱ quib^{us} v^{el} p^{re}mit^{er}u solui debeat non solut^{us}, q^{uod} tunc bene licebit p^{re}sentⁱ R. & T. & heredⁱ & assignatⁱ ipsius R. in tenementa predictⁱ cum pertinentijs intrare & distringere, & districtiones ibidem sic cap^{er} abducere & asportare & penes se retinere quousque de p^{re}sentⁱ reddit^{us} vna cu^m arreragijs eiusdem si que fuerint plen^{arie} fuer^u satisfactⁱ, coten^{er}, et persolui. Et vlt^{er}i^u ijd^e R. R. & T. G. concess^{er} p^{re}sentⁱ reddit^{us} predⁱ 60. solidⁱ ac vni^u denarij ac reversionem tenementor^{um} predictⁱ cum p^{er}tin^{entijs} p^{re}sentⁱ W. W. & heredⁱ suis imperpetuum.

Cap^{it} & recognit^{io} fuit coram me W. Bendlose seruici^u ad legem apud S. in parochia de B. &c.

A fine knowledged by two unto one, with warrantie against all men.

Sect. 118

Fine sur cognitione de droit.

Warrantie.

ET est concordia talis, sc. q^{uod} predⁱ L. G. & T. B. recognouer^u tenementa predⁱ cum pertin^{entijs} esse ius ipsi^u I. G. v^{el} ill^{ud} q^{uod} idem I. habet de dono predictⁱ L. & T. Et illa remiser^u & quiete clamauer^u de ipsis L. G. & T. et heredⁱ suis p^{re}sentⁱ I. & heredⁱ suis imperpetuum. Et preterea ijdem L. G. et T. concess^{er} p^{ro} se & heredⁱ ipsius G. quod ipsi warrantizabunt p^{re}sentⁱ I. et heredⁱ suis ten^{er} p^{re}sentⁱ cu^m p^{er}tin^{entijs} contra o^mes ho^mines imperpetuu. Et p^{ro} hac &c.

A fine knowledged of two messuages and two gardens &c. by the husband and the wife and diuers others, to IV. C. with seuerall warranties.

P Rec' R. F. & E. vxori eius & G. C. & B. vxori ei' q' ten Sect. 119.

W. C. gen' couēcion' &c. de duob' messua', duob' gard', vno pomario, 30. acris terre, decē acris prati, 40. acf palturę et xvi. s. redd' cum p'inentijs in W. & D. Et nisi &c.

¶ Et est cōcordia talis, scz. quod pred' R. & E. G. & B. recognouerūt tēta p'd' cum p'inentijs esse ius ipsius W. vt illa quę idem W. habet de dono pred' R. & E. G. & B. Et illa remisit & quiete clamauerunt de ipsis R. & E. G. & B. et hered' ipsor' G. E. & B. p'f. W. et hered' suis imp'petuum. Et preterea ijdem R. & E. concess. pro se & hered' ipsius E. qđ ipsi warrantizabunt tēta pred' cum p'inentijs p'f. W. & hered' suis contra oēs homines imperpetuum. Et vltari' ijdem G. & B. concess. p' se & hered' ipsius B. qđ ipsi warrantizabunt tēta pred' cum p'ntin p'f. W. & hered' suis contra pred' G. & B. & et hered' ipsius B. imp'pet. Et p' hac &c

Generall war-
rantie.

Speciall war-
rantie.

A fine knowledged of foure messuages, one toft, three barnes, three gardens, three orchards &c. to W. S. and N. W. with warrantie.

I Nter W. S. & N. W. quę, & O. B. et A. vxorē ei' deforc' de 4. Sect. 120.
messuag', vno toft, trib' horreis, trib' gardinis, tribus pom. vi-
ginti acris prati, sex acris pasture, cum p'ntin' in K. & B.

¶ Et est concordia talis, scz. quod pred' O. & A. recognouer' tēta pred' cum p'ntinentijs esse ius ipsius W. vt illa quę ijdem W. & N. ha-
bent de dono pred' O. & A. Et illa remisit & quiete clamauer' de ip-
sis O. & A. et hered' ipsius A. pred' W. & N. et hered' ipsius W. imp'pe-
num. Et preterea ijdem O. & A. concess. p' se et hered' ipsius A. quod
ipsi warrant' pred' W. & N. et hered' ipsius W. pred' tēta cum p'ntinentijs
cont' pred' O. & A. & hered' ipsius A. imp'pet. Et p' hac &c.

Warrantie.

A fine knowledged by two husbands & their wiues of iij messuages, and two gardens, with seuerall warranties.

P Recipe G. F. & R. vxori ei' A. I. & K. vxori eius q' teneant Sect. 121.

G. T. conuencionem &c. de duob' messuag', duob' bus gardi-
nis, cum p'ntinentijs in K. &c. Et nisi &c.

¶ Et est concordia talis, sc. qđ pred' G. & R. & A. & K. recognouer' tēta p'zd' cum p'riu' esse ius ipsi' G. vt illa quę idem G. habet de do-
no pred' G. & R. & A. & K. et illa remisit et quiete clamauerunt de ip-
sis G. & R. & A. & K. & hered' ipsorum R. & K. pred' G. & hered' suis
imperpetuum. Et preterea ijdem G. & R. concess. p' se & hered' ipsi' R.

E. ij

quod

Warrantie.

Fines and Concords.

quod ipsi warrantizabunt predⁱ G. & hered' suis predi^{ct} tenementa cum pertinentijs contra predⁱ G. & R. & hered' ipsius R. Et ulterius iidem A. & K. concesserunt p se & hered' ipsius K. q^{uod} ipsi warrantizabunt predⁱ G. et hered' suis predⁱ tenementu cum pertinentijs contra predi^{ct} A. & K. & hered' ipsius K. imperpetuum. Et pro hac &c.

Nota quę *Dyer* chief Iustice dit, que si les femes fuissent soers quo adonques il ne besoigne double garrantie in forme auantdit, mes single garrantie est allers bone.

A fine knowledged by the husband and his wife, to a man and his wife of one messuage, one garden, one orchard, one barne, one stable, one wharfe, &c. with warrantie.

Sect. 122.

PRecipe R. I. & H. vxori eius, quod iuste &c. teneant A. I. & K. vxori eius conuenciones &c. de vno messuagio, vno gardino, vno pomario, vno horreo, vno stabulo, vna wharfa, & vna acra bosci cum pertinentijs in K. super K. Ernisi &c.

¶ Et est concordia talis, scz. q^{uod} predⁱ R. & H. recognouerunt tenementa predi^{ct} cum pertinentijs esse ius ipsius K. vt illa quę iidem A. & K. habent de dono predi^{ct} R. & H. Et illa remiserunt & quiete clauis de ipsis R. & H. & hered' suis predi^{ct} A. & K. et hered' ipsius K. imperpetuum. Et preterea iidem R. & H. concess. pro se & hered' ipsius H. quod ipsi warrantizabunt prefat A. & K. & hered' ipsius K. predi^{ct} tenementu cum pertin' contra pref. R. & H. & hered' ipsius H. imperpetuum. Et p hac &c.

Warrantie.

A fine knowledged by an Earle and his wife, to W. C. of a rent of 40 li. going out of diuers manors with warrantie.

Sect. 123.

PRecipe F. comiti H. & domine K. vxori eius comitis H. quod iuste & sine dilacione teneant W. C. aⁿ conuenciones &c. de 40 li. redd^{itu} exeunt de manerijs de B. S. &c. Ernisi &c.

¶ Et est concordia talis, scz. quod predⁱ comes & comitissa recognouerunt redditum predⁱ cum pertinentijs esse ius ipsius W. vt illa quę iidem W. habent de dono predi^{ct} comitis & comitisse. Et illa remisit & quiete clamauerunt de se et hered' suis pref. W. et hered' suis imperpetuum. Et preterea iidem comes & comitissa cōcedunt pro se et hered' ipsius comitis quod ipsi warrantizabunt reddi^{tu} predⁱ cum pertinentijs pref. H. & hered' suis contra oēs homines imperpetuum. Et pro hac &c.

Warrantie.

A Fine knowned by the husband and the wife, and one R.D. to one R.B. of one manor &c. one messuage called M. &c. with warrantie, who graunt and render the same againe to R.D. one of the Conuersors for terme of 21. yeares to begin at a time to come, reseruing a rent: and afterwards the Conuerses graunt the reuersion of the said manor &c. and the reuersion to one of the Conuersors and his wife, and to the heires of the husband, to holde of the chiefe Lords of the fee.

PRecipe I.F. & B. vxori eius & R. D. q̄ iuste &c. tēñ R.B. Sect. 124.
conuenciones &c. de mañio de C. & I. cum pertinentijs ac
de duobus mesuag' vocat B. 20. mesuag', 40. acris fr̄e, 100. acris
prati, 500. acris pastur', 200. acris bosci, & 40. acris iampnor' &
bruere cum pertinentijs in W.F. Et nisi &c.

¶ Et est concord' talis, scilicet, q̄ pred' I. B. & R. recogn' predict'
manerium & tenetum cum pertin' esse ius ipsius R.B. vt illa q̄ idem R.
habet de dono predict' I. & B. & R. & illa remisit & quiete clamauer' de
se et hered' suis predict' R. & hered' suis imppetuū. Et p̄terea iſdem
I. & B. concesserunt pro se et hered' ipsius I. quod ipsi warrantiza-
bunt pred' R. et hered' suis pred' manerium & tenementum cum
pertinentijs contra omnes homines imperpetuum. Et pro hac &c. idem
R. concessit p̄d' R. pred' maner' et tenementum cū pertinētijs, & illa eis
reddider' &c. Habend' & tenend' p̄dict' R. a festo Sancti Michaelis
Archangeli quod erit in Anno Domini 1563. vsque ad finem termi-
ni xxi. annorum extunc proximi si quē' et plenarie comend'. Redd'
inde annuatim pred' R. et hered' suis quandam annualem reddit': 7.
li. & 6. s. legalis monete Anglię ad festum Sancti Michaelis Archā-
geli, Annunciationis beate Marię virginis, per equales portiones
annuatim soluend' proxima solutione inde incipient' ad festum San-
cti Michaelis Archangeli quod erit in Anno Dom. 1563. Et si con-
tingat pred' redd' 27 li. 6. s. a retro fore in parte vel in toto ad aliquod
festum festorum predict' quo vt prefertur solui debeat. Quod tunc be-
nelicebit pref. R. et hered' suis in pred' manerium & tenementa cum
pertinentijs intrare & distringere, distractionesque sic inde cap' & ha-
bitlicie abducere, asportare, et effugare, ac penes se retinere quousq;
de predict' redd' de 27 li. 6. s. cum arreragijs eiusdem si quę fuerint
plenarie fuerit satisfact' & persolut': Concessit etiam idem R. pred' I et
B. reuersionem maneriorum & tenementorum predict' cum pertinenti-
js ac predict' reddit' superius express'. et reseruauit et ill' eis reddidit
&c. Habendum et tenendum eisdem I. & B. & heredibus ipsius I. de
capitalib' dominis feodi illius per seruicia &c.

Warrantie.

The terme and
the beginning
thereof.

Rent.

Clause of
distresse.

The graunte of
the reuersion
and the rent to
the husband &
the wife (being
the Conuersors)
& to the heires
of the husband.

Fines and Concords.

A fine knowledged by the husband and his wife to one I. L. Esquire of two manors, 4. messuages, 6. cotages, one dovecote &c. with warrantie, in consideration wher. of the Conusee granteth a rent of 30. li. to the husband & his wife, & to the heires of the husband, the said rent to begin to be payable at Michaelmas, & the Annunciation of our Lady, which next shall happen after the death of the Conusor and C. his now wife, or any other which afterwards shall happen to be his wife, with a clause of distresse for the said rent if it be behinde, and having been lawfully demanded.

Sec^t. 125.

PRecipe R. P. & I. vxori eius q̄ teneant I. L. a^r conuencionem de manijs de A. & W. cum pertinentijs, ac de quatuor messuag', sex cotag', vno columbario, 200. acris fr̄e, 40. ac^r pr̄at', 100. acris pastur, 20. acris bosci, 20. acris iampno^r & brueræ cum pertinentijs in W. & W. Et nisi &c.

A rent granted by the Conusors.

¶ Et est concordia talis, scilicet, q̄ pred' R. P. & I. vxor eius recognouerit & teneant pred' cum pertinentijs esse ius ipsi^u I. vt illa quæ idem I. habet de dono pred' R. P. & I. vxor^e eius. Et illa remisit &c. Et preterea &c. Et pro hac &c. idem I. L. concessit prefat' R. & I. vxori eius & hered' p^r I. annuallē reddit' 30. li. soluend' ad duos anni terminos consue^t, viz. ad festum S. Michaelis Archangeli, & Annuntiationis beatę Marię virginis, per æquales porciones, prima solutione inde incipiente ad festum S. Michaelis Archangeli, aut Annuntiationis beatę Marię virginis q̄ proxima contigerit post mortem pred' L. & C. nunc vxor^e eius existē vel alicuius alterius quam imposterum eius vxor^e fore contigerit. Et si contingat pred' annuallē reddit' 30. li. ar^ro fore in p^rte, vel in toto post aliquod festum festorum predict' quo vt prefertur solui debeat non solus per spacium &c. si licite petatur, quod tunc &c.

When the rent shall begin to be payable.

A clause of distresse for the rent after it hath beene lawfully demanded.

A fine knowledged by the husband and the wife to H. C. of the third part of a Rent issuing out of a manor, with a warrantie against all men.

Sec^t. 126

PRecipe R. & I. vxori eius q̄ iuste &c. ten' H. C. conuencionē &c. de tertia parte 5. li. 6. s. 8. d. denario^r reddit' cum p^rtiⁿ ex^eunt de manio de K. Et nisi &c.

¶ Et est concordia talis, scilicet quod pred' R. & I. recognouerit tertiam p^rte reddit' predict' cum p^rtiⁿentijs esse ius ipsius H. vt illa quę idem H. habet de dono pred' R. & I. Et illa remisit & quiete clamauerit de se & hered' ipsius I. p^rfat' H. et hered' suis imperpetuum. Et preterea i^ddem R. & I. concessit pro se et hered' ipsius I. quod ipsi warrantizabunt pref. H. & hered' suis pred' tertiam p^rte reddit' p^r cū p^rtiⁿentijs contra omnes homines imperpetuum. Et p^r hac &c.

Warrantie.

A fine knowledged by the husband and his wife, to one T. H. of the third part of 34 acres of meadow by these words, viz. Concesserunt et reddiderunt &c. during the wines life, with warrantie also during her life.

PRecipe H. P. & M. vxori eius quod teneant T. H. conuencionem &c. de tertia parte 34. acrarum prati, 40. acrarum pasturæ, & 6. acrarum bosci, cum pertinentijs in S. Et nisi &c.

¶ Et est cōcordia talis, scilicet, quod predict' H. & M. concesserunt & reddiderunt tenementa predict' cum pertinentijs prefat' T. & hered' suis durante vita ipsius M. Et pred' H. & M. warrantizaunt tenementa predict' cum pertinentijs prefat' T. & hered' suis durante tota vita ipsius M. Et pro hac &c.

Se&t. 127.

A fine sur reu^{er} lease de dower per le husband & le femme. The estate.

The Warranty

A Fine knowledged by V. K. knight to I. S. knight, E. G. the Queenes Attorney Generall, and others, of two mannors, 70. messuages, and Cottages &c. which the Ladie V. widow bath for her life of the inheritance of the Conusor the day of the concord made: and after her death is to reueri to the Conusor, the which by this fine after the death of the said Ladie V. is wholly to remaine to all the Conusees in the fine, and to the heires of the said I. S. knight the first of the Conusees in the said fine, with warrantie against all men.

PRecipe V. K. militi, quod teneat I. S. militi, E. G. Atturⁿ naf nollt general' R. W. armig' & W. K. general' conuencionem &c. de manerijs de H. alias de Prior' H. & M. alias Prior' M. at 70. messuagijs & cotagijs.

Se&t. 128.

A fine of reuersion after the death of tenant in Dower.

¶ Et est concordia talis, scilicet quod predict' V. recognouit maneriatenementa & reddidit predict' cum pertinentijs esse ius ipsius S. Et concessit pro se et hered' suis quod maner tenementa & reddidit predict' cum pertinentijs que dñā V. K. vidua tenet ad terminum vite sue de hereditate predict' V. die quo hec concordia facta fuit. Et quod post decessum eiusdem dominæ V. ad predict' V. & hered' suos, debuit reueri, quod post decessum ipsius I. S. domine V. integre remanere predict' I. E. R. & W. et hered' ipsius I. S. imperpetuum. Et preterea idem V. concessit pro se et hered' suis quod ipse warrantizabit maner tenementa & reddidit predict' cum pertinentijs prefat' I. E. R. & W. & hered' ipsius I. S. contra omnes homines imperpetuum. Et pro hac recognitione, &c.

The widdowes estate in the Conusors inheritance.

The reuersion graunted to the said Conusees, and to the heires of one of them &c.

Fines and Concords.

A fine knowledged by a miller and one other to the President & Schollers of S. Iohns Coll: age in Ox: n. of the Scute and principall house of the collidge commonly called the White Friars in the suburbs of Oxon. and 6. messuages, 6. gardens, 6. orchards, &c. al'o in the same suburbs with warrantie.

Sect. 129.
A fine sur cog-
nitans de
droit.

PRecipe I. P. viduæ & E. P. gen' q' iuste &c. teneant W. E. Presidenti collegij S. Iohannis Baptiste in Academia Oxon' & Scholasticis eiusdem collegij conuene' &c. de Scitu & principali domo collegij vulgari' nuncupat' the **White Friars** in Suburbij civitatis Oxon' cum pertinentijs, ac de 6. messuagijs, 6. gardinis, 6. pomarijs, 20. ac' fræ, duobus ac' prati, & sex acris pasturæ cum pertinentijs in Suburbij civitat' pred. Et nisi &c.

¶ Et est concordia talis, scz. quod pred' I. & E. recognouerunt ten'ta pred' cum pertinentijs esse ius ipsius Presidentis et Scholasticor' vt illa que idem Preses & Scholastici habent de dono predi' I. & E. Et illa remisit & quiet' clamauer' de se et hered' ipsius E. prefat' Presidi & Scholasticis & successoribus suis imperpetuum. Et preterea idem I. & E. concess. p se et hered' suis, q' si warrantizabunt prefat' Presidi & Scholasticis & successoribus suis tene'mta prædicta' cum pertinentijs contra pref. I. & E. et hered' ipsius E. imperpetuum. Et p hac &c.

Warrantie,

A fine by two men and the wife of one of them, of lāds, medow & pasture, with warrantie against the Conusors and the heires of the husband.

Sect. 130.
A fine sur
cognissance de
droit.

PRecipe R. B. gen' T. R. & M. vxori eius quod ten' T. B. gen' conuene' &c. de 30. acris fræ, duabus acris prati, tribus acris pasture, & 6. acris bosci, cum pertinentijs in C. Et nisi &c.

¶ Et est concordia talis, scz. quod pred' R. T. & M. recognite'ta predi' cum pertinentijs esse ius ipsius T. B. vt illa que idem T. habet de dono pred' R. T. & M. Et illa remisit & quiete clamauer' de ipsis R. T. & M. et hered' ipsius R. prefat' T. B. & hered' suis imperpetuum. Et preterea idem R. T. & M. cōcesserunt p se et hered' ipsius R. q' ipsi warrantizabunt ten'ta pred' cum pertinentijs pref. T. B. et hered' suis contra pred' R. T. & M. et hered' ipsius R. imperpetuū. Et p hac &c.

A fine knowledged by T. N. knight to G. T. Esquire of one manor, one messuage, &c. with warrantie against all men.

Sect. 131.
A fine sur cog-
nitance de
droit.

PRec' T. N. militi q' iuste &c. teneat G. T. a' connene' &c. de manio de T. cū p' n' ac de vno messuagio, 100. ac' prati, 50. ac' pasturæ, et 30. ac' bosci, cum p' n' in T. & G. Et nisi &c.

Et

¶ Et est concordia talis, sc. q. pred' T. N. recognouerunt maner' & tenementia pred' cum pertin' esse ius ipsius G. vt illa quæ idem G. habet de dono pred' T. Et illa remisit & quiete clamauit de se et hered' suis pref' G. et hered' suis imperpetuum. Et preterea idem T. concessit pro se et hered' suis quod ipse warrant' maneria et tenita pred' cum pert' prefato G. et hered' suis contra omnes homines imperpetuum. Et p hac &c. Warrantie.

A Fine knowledge by T.W. and K. his wife, to G.S. of the third part of 8. messuages, 6. gardens &c. the which one M.B. widow, holdeth for terme of her life, and which is of the inheritance of the consors wife, the day of the Concord made, and which ought after the death of the saide widow to reuert unto the Consor and his wife, as in the right of his wife: and by this fine after the death of the saide widow being tenant for life, is to come and remaine to the said consor and his heires for euer, with warrantie against all men.

¶ Recipe T.W. & K. vxori eius quod iuste &c. teneant G. S. Sect. 132.
conuen' inter eos fact' de tertia pte, octo messuag' 6. gardinorum, 6. ac' terre, decem acrarum prati, 20. acrarum pasturæ, 50. acrarum bosci cum pertin' in A.B.C. &c.
¶ Et est concordia talis, sc. quod prædict' T. & K. recognouerunt tertiam partem prædict' cum pertinentijs esse ius pred' G. Et concessit quod eadem tertia pars cum pertin' quam M.B. vid' tenet ad termin' vite sue de hereditate ipsius K. die quo hæc concordia facta fuit, et quæ post mortem eiusdem M. ad ipsos T. & K. reuertere debet, rem præf. G. et hered' suis imperpetuum. Tenend' &c. Et preterea iidem T. & K. concessit pro se et hered' ipsius K. q. ipsi warrant' præfat' G. et hered' suis tertiam partem pred' cum pertin' sicut pred' est cont' omnes homines imperpetuum. Et p hac &c. A fine of a reuerſion after the death of tenant in dower.

Warrantie.

A Fine knowledge by the husband and the wife to one I. I. of 9. messuages, 9. gardens &c. and of the mostie of 20. messuages &c. one water mille, one donehouse &c. with warrantie against all men.

¶ Recipe I.P. gener' et E. vxori eius quod iuste &c. teneant I. L. Sect. 133.
conuenciones inter eos fact' de nouem messuagijs, nouem gardinis, trescent' acris terre, centum acris prati, centum acris pasturæ, viginti acris bosci, centum acris iancturum et brueræ &c. Ac de medietate viginti messuagiorum, viginti gardinorum, vnius molendini aquatici, vnius colni huij, sexagint' acris terre, ducent' acris prati, trescent' acris pasturæ, sexagint' acris bosci, et trescent' acris ianpnorum & brueræ cum A fine sur cogniſance de droit.

Fines and Concords.

cum pertinentijs in N.B.C.D. &c. Et nisi &c.

¶ Et est concordia talis, scz. quod pred' I.P.&E. recogn' pd' tenta & medietatem cum pertin' esse ius ipsius I. L. vt illa quæ idem I. L. habet de dono pred' I.P.&E. Et illa remisit et quiet clau' de se et hered' suis pref. I.L. & hered' suis imperpetuum. Et preterea ijdem I. P. & E. concessit pro se et hered' ipsius E. quod ipsi warrant pref. I. L. et hered' suis pd' tenta & medietatem cum pertin' contra omnes homines imperpetuum. Et p hac &c.

The order of taking the knowledge of a Fine by Dedimus potestatem directed to diuers, but the knowledge taken only by two of the Commissioners, and the certifying thereof by the Commissioners that took the knowledge.

After the fine is acknowledged, the Commissioners must write vnder the Concord of the said fine as followeth.

Capit' & recognit' die &c. Anno &c. coram A.B. arn' & C.D. gen' virtute brevis domini Reg. de Dedimus potestatem nobis et alijs direct'.

Commissioners. { A.B.
C.D.

Then write vpon the back of the Dedimus potestatem.

Respons. A.B. arn' & C.D. & gener' duorum Commiss. infra nominatorum.

Executio istius Commissionis patet in quadam Scheda huic commissioni annex'.

Then must the Commissioners subscribe their names.

A fine knowledged by W.D. and I.D. to I.R. & I.D. of one messuage and one cottage in Ipswich, with warrantie against all men; In consideration whereof the Conuisees doe graunt and render the premises to the said I.D. one of the conuisors for terme of seauē daies next following, and afterwards the same premises wholly to remaine to one M. G. for her life, and after her death the premises wholly to remaine to the said W.D. one of the said conuisors and his beires for ever.

Sect. 134

PRecipe W.D. & I.D. quod iuste &c. teneant I.R. gen' & I.D. conuenc' de vno messuagio & vno cotagio cum pertin' in I. Et nisi &c.

¶ Et est concordia talis, scilicet, quod pred' W. D. & I. D. recogn' tenementa pred' cum pertinentijs esse ius ipsius I, vt illa quæ idem I. & I.

& I.D. habent de dono predict' W.D. & I.D. Et illa remiserunt & quiete clauſe de ſe & hered' ſuis pref. I. & I. et heredibus ipſius I. imperpetuum. Et præterea iſdem W. & I. conceſſerunt pro ſe et hered' ipſius I. D. quod ipſi warrant pref. I. & I. et hered' ipſius I. teñta pred' cum pertin' contra omnes homines imperpetuum. Et pro hac recognicioñ &c. iſdem I. & I. conceſſer' teñta predict' cum pertinentijs pref. I.D. Et illa ei reddider' in eadem cur'. Habend' et tenend' eidem I. D. p' termin' ſeptem dieſ' extunc proximi ſequen'. Et poſt termin' illum fuiſ' pred' tenementa cum pertinentijs integre remanebunt cuidam M.G. Habend' et tenend' eidem M. tenend' de Capitalibus &c. tota vita ipſius M. Et poſt deceſſum ipſius M. pred' tenementa cum pertinentijs integre remanere pref. W.D. et hered' ſuis imperpetuum. Tenend' de Capitalibus &c.

Warrantie

The render.

A fine acknowledged by the husband and his wife to H. S. Eſquire, of two meſſuages, two Wich-houſes, two Shops, two Chambers, one Stable, and x. acres of land &c. with warrantie againſt all men.

HEc eſt finalis concordia fact' in curia domini Regis apud Ceſtriam die Lunæ ſeptimo die &c. Anno &c. inter H. S. querentem & W.G. & S. vxorem eius deſorcean' de duobus meſſuagijs, duobus Salimis vocat' Wich-houſes, alias Salthouſes, duob' Shopis, duobus cameris, vno ſtabulo, decem acris terræ, 4. acris prati, et ſex acris paſturæ cum pertinentijs in &c. vnde placitum conuencionis ſumma fuit inter eos in eadem curia. Scilicet quod predict' W. & E. vxor' eius recognouerunt tenementa predict' cum pertinentijs eſſe ius pred' H.S. ut illa quæ idem H.S. habet de dono predict' W. & E. Et illa remiserunt & quiete clamauerunt de ſe et heredibus ſuis pref. H. & heredibus ſuis imperpetuum. Et præterea pref. W. & E. conceſſer' pro ſe & hered' ipſius W. quod ipſi & hered' predict' W. tenement' pred' cum pertin' prefat' H. & hered' ſuis warrantizabunt & hered' ſuis imperpetuum. Et pro hac &c.

ſect. 135.

A fine ſur cog- niſſance de droit.

A fine acknowledged before the Juſtices of the Common pleas at Weſtmiſter of two meſſuages, one toft, 80. acres of land &c. with warrantie againſt all men.

HEc eſt finalis concordia fact' in Curia domini Regis apud Weſtmonaſteriū in octabis Sacti Martini, Anno &c. coram E.M.W. S.H.B. & I.H. Juſtic' et alijs dñi Reg. fidelib' tunc ibi preſentib' inter R.B. arm, I.L. gen', et R.L. gen'. Quer', & H.D. deſore' de duobus meſſu-

ſect. 136.

Fines and Concords.

Warrantie.

messuagijs, vno tofto, 80. acris terræ. xx. acris prati, 40. acris pasture, & tribus acris bosci cum pertinentijs in H. & W. vnde p' actum conuencionis summonitum fuit inter eos in ead' curia, scz. quod pred' H. recogn' pred' tenementa cum pertinentijs esse ius ipsius R. B. vt illa quæ ijdem R. I. & R. habent de dono pred' H. Ec illa remisit & quiete clauit de se et hered' suis pred' R. I. & R. & hered' ipsius R. imperpetuum. Et preterea idem H. concessit p' se et hered' suis quod ipse warrant' l. et R. & hered' ipsius R. pred' ten'ta cum pertinentijs contra omnes homines imperpetuum. Et pro hac remissione, quiete clauit, warranto, fine & concordia ijdem R. I. & R. dederunt p'd H. 3 s. li. sterlingorum.

A Fine knowledged by R. H. of P. to R. B. of the manor of I. with warrantie against the consur and his heires.

Sect. 137.

PRecipe R. H. de P. arm qd iuste teneat R. B. R. H. & c. conuenit inter eos fact' de manerio de I. alias I. cum pertin' ac de 40. messuag', 700. acris terr', 100. acris prati, 100. acris pasture, 100. acris bosci, 100. acris more, & marisci cum pertinentijs in I. alias I. W. & N. Et nisi & c.

Warrantie.

¶ Et est concordia talis, sc. qd pred' R. H. recognouit maneria ac tenementa pred' cum pertin' esse ius predict' R. B. vt ill' q' ijdem R. & c. habet de dono ipsi' R. H. Ec illa remisit & quiete clamauit de ipso R. & hered' suis pref. R. & c. & hered' ipsius R. B. imperpetuum. Et preterea ijdem R. H. concessit pro se & hered' suis quod ipse warrantizabit maneria & ten'ta p'd cu' p'tin' pref. R. & c. & hered' ipsi' R. imperpetuum. Et p' hac & c.

This is the fine as it is ingrossed of Record, whereof the Fine next before is but the note.

Sect. 138.

Hec est finalis concordia fact' in curia domini Regis Cestrie apud Cestr' die Lunæ & c. viz. 4. die Septembris Anno & c. coram I. T. arm, Iustic' dicti domini Regis Cestr' apud Cestriam & alijs dicti dñi Regis fidelibus tunc ibidem presentibus. Inter R. B. R. H. & H. H. quer' & R. H. de P. arm, deforcian' de manerio de I. cum pertin' ac de & c. vnde placitum conuencionis summonitum fuit inter eos in eadem curia, scilicet, quod R. H. recognouerit man' et tenementa pred' cum pertin' esse ius predict' R. B. vt illa quæ ijdem R. R. & H. habent de dono ipsius R. H. Ec illa remisit & quiete clamauerunt de ipso R. & hered' suis pref. R. & c. & hered' ipsius R. B. Et preterea ijdem R. H. concessit pro se et hered' suis quod ipse warrantizabit manerium & ten'ta p'd cum pertin' prefat' R. R. & H. & hered' ipsius R. B. imperpetuum. Et

pro hac recognitione, warranto, fine, & concordia ijdem R. & c. dederūt
pref. R. H. centum libras Argenti.

The nine Proclamations of the fine next befoze made according to
the Statute of 2. Ed. 6. made for fines with Proclamations within the
Countie of Salantine of Chester.

¶ Prima Proclamac' facta fuit die Mercurij ista eadem Sessione, Se-
cunda Proclamac' facta fuit die Iouis ista eadem Sessione: Tertia pro-
clamac' fact' fuit in plena Sessione hic apud &c. tenē die &c. Anno &c.
Et sic de ceteris, &c.

Three Proclamations in euerie Sessions.

*A fine knowledged by A. B. to T. F. and G. H. of a Manor with warrantie a-
gainst all men: and the conusees in the same fine graunt and render again
the said Manor to the said A. B. for one weeke, and afterwards to N. M.
for 21. yerres, to begin after the feast of S. Martin the Bishop in Winter re-
serving a red Rose at Midsummer, if it bee asked. And after the end of the
said terme of 21. yerres the said manor &c. wholly to remaine to the saide
A. B. the conusors and his heires for euer.*

PRæcipe A. B. quod iuste &c. teneat T. F. & G. H. conuencio- S. & 139.
nes de Manerio &c. Et nisi &c.

¶ Et est concordia talis, sc. qd pred' A. recognouit tēctum pred' cum
pertinentijs esse ius ipsius T. vt illi' quæ idem T. & G. habent de dono
pred' A. Et illa remisit & quiet clamauit dese et hered' suis p'f. G. & he-
red' suis imperpetuū. Et preterea idem A. concessit p' se & hered' suis qd
ipse warrantizabit tēcta p'dicta cum p'tinentijs p'f. T. & G. & hered'
ipsius T. contra omnes homines imp'petuum. Et p' hac &c. ijdem T. &
G. concessit et in eadē curia reddidit tēcta p'dicta cum p'tinēcijs p'f. A. p'
vna Septimana. Et post tēctū illū finit tēcta cū p'tinēcijs integ' remanēt
N. M. & assignat suis p' termino 21. annor' post festum S. Martini Epif-
copi in hyeme proximiū futurū in immediat' sequent' & plenariē complend'.
Reddend' inde annuatim p'fat' T. & G. & hered' ipsius T. durante toto
termino pred' vnā rubram rosā ad festum Natiuitatis S. Ioh. Bapt' si
petatur. Et post tēctū illud finit tēcta pred' cū p'tinēcijs integ' remanēt
p'dict' A. et hered' suis imperpetuum &c.

Warrantie.

The render.

Rent.

Remainder in
fee to the con-
usor.

*A fine knowledged by R. B. of two messuages &c. to I. A. with warrantie a-
gainst all men: and the conusee granteth the premisses againe to the conu-
sor for one weeke, and afterwards to one W. B. for life, reseruing a rent,
and afterwards to the conusor for his life, and after to S. B. his wife for her
life, and after to I. B. sonne of the conusor and his wife for life: and after-
wards*

Fines and Concords.

wards the said conuſee granteth the reuerſion of the premiſſes and therein to the ſaid R. B. the conuſor and his heires for ever.

Sec. 140.

PRecipe R. B. gen. quod iuste &c. teneat I. A. conuencionem &c. de duobus meſſuagijs &c. Et niſi &c.

Warrantie.

The render.

Rent.

The grant of the reuerſion and the rent.

¶ Et eſt concordia talis, ſc. q. pred. R. recognouit tenēta predict. cum pertinentijs eſſe ius ipſius I. A. vt illi quāz idem I. habet de dono pred. R. B. Et illa remiſit & quiet. clamauit de ſe et hered' ſuis p. l. & hered' ſuis imperpetuū. Et preterea idem R. B. conceſſit p. ſe & hered' ſuis qd ipſe warrantizabit tenēta p. dicta cum pertinentijs p. ſe. I. A. & hered' ſuis contra omnes homines imperpetuum. Et p. hac recognitione &c. idem I. conceſſit p. R. B. &c. et illa ei reddidit in eadem cur. Habend. et tenend' tenēti p. dict. cum pertinentijs p. ſe. R. B. pro termino vnius Septimanæ, & poſt termin. illum ſiniſ. remanere W. B. p. termino vitę ipſius W. B. Reddend. inde per Annum p. ſat I. A. & hered' ſuis xl. ſ. ad quatuor Anni terminos, viz. ad &c. per æquales porciones ſoluend. Et poſt deceſſum ipſius R. B. rem. inde S. B. vxor. pred. R. p. termino vitę ipſius S. Reddend. vt ſupra. Et poſt deceſſum ipſius S. B. rem. inde I. B. filio p. d. R. p. termino vitę ſuæ, reddend. inde vt ſupra. Necnō p. ſat I. A. conceſſit p. R. B. reuerſionem & reddiſ. tenementorum p. d. cū pert. in, et illa ei reddidit in eadem curia. Habend. & tenend' reuerſionem & reddiſ. tenēti pred. cum pertinentijs eidem R. S. et hered' ſuis imperpetuum. Tenend' de Capital' dñis feodi &c.

A fine of rent iſſuing out of vi. meſſuages, and 6. gardens, with warrantie againſt all men.

Sec. 141.

PRecipe W. A. & A. vxori eius quod iuste &c. teneant R. B. conuenciones de vno annual' redd. de v. li. exeunt de & in ſex meſſuagijs, 6. gardinis cum pertinentijs in L. Et niſi &c.

¶ Et eſt concordia talis, ſc. q. pred. R. recognouit maner. predict. cum pertinentijs eſſe ius ipſius H. vt illa que idem H. habet de dono predict. R. Et illa remiſit & quiete clamauer. de ſe & hered' ſuis imperpetuum. Et pred. R. conceſſit pro ſe et hered' ipſius W. quod ipſi warrantizabunt reddiſ. predict. cum pert. in' p. R. B. & hered' ſuis imperpetuum contra omnes homines. Et p. hac &c.

A fine knowledged by R. L. of a manor &c. to H. C. with warrantie againſt all men. In conſideration whereof the conuſee by the ſame fine granteth to the conuſor and his heires, one annuitie of viii. li. iſſuing out of the ſame manor, to be paid yearly at the manſion houſe of the ſaid conuſor, at a certaine day and houre, impoſing a paine of xxviii. s. to be forfeited in default of payment of the ſaid annuitie with a claufe of diſtreſſe for the ſaid annuitie and paine.

Recipe

PRecipe R.L. quod iuste &c. ten' H.C. conuenc' &c. de manerio &c. in O. &c. Et nisi &c.

¶ Erit concord' talis, scilicet, q' pred' R. recogit manerium & tenum pred' cum pertinen' esse ius ipsius H. ut illa quæ idem H. habet de dono p'dict' R. & et illa remisit & quiete clamaue' de se et hered' suis in perpetuum. Et p'terea p'dict' R. concessit pro se et hered' suis quod ipse warrant' maner' p'dict' cum pertinen' prefato H. & hered' suis contra omnes homines imperpetuum. Et pro hac &c. p'd H. concessit p'd R. quandam annuitatem siue annualem reddi' vij. li. legalis monete Anglie exen' & exitur de & in maner' pred' cu' p'iuētijs, & ill' ei reddiderunt in cad' Cur'. Habend' & percipiend' p'd annuitatem siue annualem reddi' vij. li. pref. R. hered' & assignat' suis in vij. die Septembris inter horam nonam et duodecimam antemerid' eiusdem diei apud domum suam mansionalem in villa de R. in com' S. soluend'. Et si contingat p'd annuitatem siue annualem reddi' vij. li. retro fore in parte vel in toto p'spae' xx. d. erum post pred' vij. die Sept' in quo ut prefertur solui debeat non solui. Qd' tunc pred' H. et hered' sui forisfac' eidem R. & hered' suis 1 s. legalis monete Anglie nomine pene toties quoties p'd annuitat' siue annualem reddi' aut aliquam inde partem retro fore contigerit. Et bene licebit pref. R. et hered' suis in pred' maner' cum pertinen' et in quamlibet inde parcellam intrare & distringere tam pro pred' annualem reddi' octo librarum & pro qualibet inde parcella quam pro p'd xviii. s. nomine pene eid' R. et hered' suis forisfac' toties quoties sic a retro fore contigerit non solui, districtionesque sic ibidem cap't & hab' liceat abducere asportare & effugare, et penes se retinere quousque tam de pred' annuitate siue annualem reddi' octo librarum quam de pred' xviii. s. nomine pene quoties sic forisfac' fuerit idem R. et hered' sui satisfuerint satisfact' & persolu't.

Sec't. 142.

Warrantie.

The graunt of an Annuite.

The day houre and place of payment of the said annuite.

Clause of distress for the annuite and the penalte.

A Fine acknowledged by A.B. Esq. of 2. messuages &c. to S.H. in taile general to hold of the conuor and his heires by the xl. part of a knights fee, &c. 1 s. iiii. d. rent, with warrantie against all men.

PRecipe A.A. ar. quod iuste &c. teneat S.H. conuenc' de duobus messuagijs &c. cum pertinen' in M. Et nisi &c.

¶ Erit concordia talis, sc. quod pred' A.B. concessit ten'ta pred' cum pertinen' pref. S. et hered' de corpore ipsius S. legitime procreat'. Tenend' de dño A. & hered' suis per quadragessimam partem vnius feod' milit' & per reddi' xv. s. iiii. d. per annum ad festum &c. annuatim soluend'. Et pre'terea pred' A. concessit p' se et hered' suis quod ipse warrant' tenementa pred' cum pertinentijs pref. S. & hered' de corpore suo legitime procreat' sicut p'd est contra omnes homines imperpetuum. Et pro hac &c.

Sec't. 143.

An estate in general taile.

The tenure r't

Warrantie of the estate taile.

Fines and Concords.

A Fine knowledged by A.B. and M. his wife, of a manor &c. to S.P. reciving that where the said consors hold the said manor for the life of the said M. the reversion thereof to the said consuee and his heires belonging, the said consors graunt to the consuee all that their estate in the said manor during the life of M. one of the consors, with warrantie against them during the life of the said M.

Sect. 144.

PRæc' A.B. & M. vxori eius, quod iuste &c. teneant S.P. conuencionem &c. de maner' &c. Et nisi &c.

¶ Et est concordia talis, sc. quod cum pred' A. & M. habeant & teneant pro termino vitæ ipsius M. maner' p'd &c. cum pertinenti' reuerfioñ inde predict' S.P. & hered' suis spectan, iidem A. & M. cōcess. pred' S. maner' predict' cum pertineñ, & totum & quicquid in manerio pred' &c. habent eid' S. durante vita ipsius M. Et pred' A. & M. warrantabunt p'd S. & hered' pred' S. manerium &c. cum pertinentijs sicut p'd est contra p'd A. & M. durante tota vita ipsius M. Et p' hac &c.

A fine knowledged by I. C. and T. his wife of 2. messuages, one barne &c. to one H.P. with warrantie: and the said H.P. in consideration of the said fine granteth and rendereth again by the same fine, the premises to the consors for one day, and afterward to I.P. widow for her life, and after her death the premises wholly to remaine to H.P. and his heires for ever.

Sect. 145

PRec' I.C. & T. vxori eius quod iuste &c. teneant H. conuē &c. de duob' messuagijs, vno horreo, &c. Et nisi &c.

¶ Et est concordia talis, scz. quod pred' I. & T. recognouerunt tenementa pred' cum pertinentijs esse ius ipsius H. vt illa que idem H. habet de dono pred' I. & T. & illa remisierunt et quiete clām de se & hered' suis pref. H. & hered' suis imperpetuum. Et preterea pred' I. & T. concessit pro se et hered' ipsius I. quod ipsi warrant tenement' pred' cum pertin' prefat' H. & hered' suis contra omnes homines imperpetuum. Et p' hac recognitionē &c. pred' H. concessit tenementa pred' cum pertinentijs prefato I. & T. et illa eis reddider in eadem curia: Habend' et teneñd' eisdem I. & T. pro termino vnus diei. Ita quod post eundem terminum finit, tenementa predict' cum pertineñ integre remaneñt I.P. vid' pro termino vitæ eiusdem I. Et post mortem predict' I. messuag' & horrum predict' &c. integre remaneñt H.P. & hered' suis imperpetuum. Tenend' de capitalibus domini feodi illius, &c. Et quinque acras terra & vnam acr' prati, cum pertinentijs resid' tenementorum predict' integre remaneñt A.P. & hered' suis imperpetuum. Tenend' &c.

Warrantie.

The render.

The taking of the knowledge of the Fine.

CApit et recognit coram Iacobo Dier milit capitali Iustic' de comuni banco, Anno regni Reg. nunc secundo.

Notes to be observed in Fines.

1 Nota que aucun foits plusors choses passa en le Præcipe q̄ ne sont nolsme en le concozd.

2 Nota q̄ vn claus de Keentrie ne poit estre en vn fine.

3 Nota q̄ si home purchase diuers parçels de terē de diuerse homes il porroit passer tous les parçels en vn commō fine, mes conient que il auec seueral garranties de chescun de les parties pour lour seueral parçels.

4 Nota que Carlyn chiefe Justice del banke le roy dit q̄ south nolsme de bois, haut bois & Subbois passera en vn fine.

5 Nota que per Dyer vn Render ne poet estre fait mes tantum a ley que est nolsme en le fine : mes vn remaynder poet estre limited a vn per fine, coment que il ne soit nolsme en le Precipe,

A fine knowledge by the husband and wife unto two of 30. messuages, of lands, pasture, wood, lunge, beath, and rent in diuers places: the Consors render the same againe to the said Consors for terme of their two liues, with diuers remainders ouer after their deaths in general taile to the children of the said Consors. And for default of issue of the said Consors to the right heires of the wife of the Consor for euer.

HEc est finalis concordia facta in curia domini regis apud Westm̄ Sect. 146;
in crastino Ascensionis dñi, Anno regni Henrici octauī dei gratiæ Anglię & Francię regis, fidei defensoris, & dñi Hiberniæ conquestu decimo nono coram R. B. A. F. T. E. & W. S. Iustic'. Et postea in octabis S. Trinitat' Anno regni eiusdem regis Henric' supradicti ibidem concessit & recordat coram eisdem Iustic' et alijs dñi regis fidelibus tunc ibi presentibus. Inter W. H. & I. R. quer' & I. C. & T. vxor' eius deinceps detriginta messuagij, ducentis acris terræ, trescentis acris pasturæ, decem acris bosci, ducentis acris iampnorum et bruerie, et trigint' solidat' redditus cum pertinentijs in P. F. &c. vnde placitū conuencionis suū fuit inter eos in eadē curia, scilicet, q̄ p̄dicti I. C. & T. recogn' p̄d' tenē cū p̄ueniētijs esse ius ipsius I. R. villa quæ ijdem I. & W. habent de dono p̄dictor' I. C. & T. Et illa remisērunt & quiete clamauerunt de ipsis I. C. & T. et hered' ipsius T. p̄dictis W. & I. R. imperpetuum! Et p̄terea ijdem I. C. & T. concesserunt pro se et hered' ipsius T. quod ipsi warrant p̄dictis W. & I. R. & hered' ipsius I. R. p̄dict' tenement' cum pertinent' contra omnes homines imperpetuum. Et pro hac recogn' remissione, quietā clam', warrant', fine & concordia ijdem W. & I. R. con-

Warrantie general.

The Rendga.

F. j.

I. R. con-

Fines and Concords.

I.R. concesserunt prædictis I.C. & T. prædicta tenementa cum pertinentijs. Et illa ei reddiderunt in eadem curia: Habend' & tenend' eisdem I.C. & T. de capitalibus dominis feod' illius per seruicia quæ ad prædicta tenement' pertinent tota vita ipsos I.C. & T. & alterius eorū diutius uiuentis. Et post decessum ipsorum I.C. & T. præd' tenement' cum pertinentiis integre reman' I.C. filio prædictor' I.C. & T. et hered' de corpore suo legitime procreat', tenend' de capitalibus dominis feod' illius p seruicia quæ ad prædict' ten' pertinent imperpetuum. Et si contingat q' idem I.C. filius obierit sine hered' de corpore suo legitime procreat', tunc post decessum ipsi' I. prædict' ten' cum pertineñ integre reman' R. C. alteri filio prædict' I.C. patris et T. & hered' de corpore suo legitime procreat', tenend' de capitalibus dominis feod' illius per seruicia quæ ad prædict' ten' pertinent imperpetuum. Et si contingat idem R. obire sine hered' de corpore suo legitime procreat' tunc post decessum ipsius R. prædict' ten' cum pertinentiis integre remanere hered' de corporib' prædict' I.C. patris & T. legitime procreat'. Tenend' de capitalibus dominis feod' illius per seruicia quæ ad prædict' ten' pertinent imperpetuum. Et si nullus hæres de corporibus prædictorum I.C. patris & T. fuerit legitime procreat' tunc prædict' ten' cum pertineñ integre reman' relictis heredibus prædict' T. Tenend' de capitalibus dominis feod' illius per seruicia quæ ad prædict' ten' pertinent imperpetuum. *

¶ *Adjuncts of Concords.*

Sect. 147

Reservation.
Nomine pœnz.
Distresse.

Warrantie.

The Adjuncts of a concord, be also of two sorts: Internall, and Externall. Internall be such as bee contained within the very Concord it selfe. Of which sort be the clause of reservation of seruice, rent, or other thing, the clause of nomine pœnz, the clause of distres, & the clause of warranties: All which clauses of reservation, nomine pœnz, distresse, and warrantie, are to bee made in such words, and in such formes, as the like are made in Instruments extraiudicial: for which see Leases and Graunts of rents charge in the first part of Symboleography, If the following example doe not sufficiently satisfy your desire herein.

And Warranties bee sometimes generall, that is to say, against all men: Some against all, except certaine persons: some against certain persons only: some against every Cognisor, and his heires generally: and some against one of the Cognisors; and his heires only: some of all the lands in the fine: some of all, except part: and some of part only, certainly exprest.

The Externall Adjuncts of Concord be the licence of alienation, the Dedimus potestatem, the examination of the parties, and the

cognisance. The licence of alienation is a power or authoritie given by his maiestie to the parties, that lands may be aliened without incurring the danger of contempt. Licence.
Alienation.

And euerie such licence is either to alien lands holden in Capite, or to alien lands into Mortmaine.

The licence of alienation of lands holden in Capite, may vary from the fine, and be good, 32.H.8. Br. Alienations 4.30.

For the obtaining of which licences, the Clarke of the licences doth write to the Dogket in paper, containing the effect of the fine, scoffment, or other deeds, where by the alienation is to be made. Dogket.

And thereupon Affidavit or composition must be made for the value of the lands, which are to passe thereby, which is to be signed by the Doctor of the Chancery that hath power to take oath: Then the kings fine is to be paid to the Receiver of fines, who will signe the dogket: And afterwards the same is to be signed by two of the commissioners of the office of fines and licences: and upon that dogket, the Clarke of the licences is to make the licence, and get it sealed with the great seale: which licence is to be made in forme following. Affidavit

Alicece of Alienation of lands holden in Capite.

Iacobus dei gratia &c. Omnibus, ad quos presentes literæ peruenerint, salutem. Sciatis quod nos de gratia nostra speciali, ac pro tribus libris nobis solut in hanaperio nostro, concessimus, ac licentiam dedimus, ac per presentes concedimus, ac licentiam damus pro nobis & heredibus nostris quantum in nobis est, dilecto nro I.F. quod ipse totam medietatem manerij de C. cum pertinentijs, ac quadraginta messuagij, viginti coragij, quadraginta gardin, quinquaginta acras terre, quadraginta acras prati, trescent acras pastur, 30. acras bosci, trescent acras morar, & viginti libras redditus, cum pertinentijs in W. & alibi in comitatu nostro N. eidem medietatem pertinentie sue spectant, parcell inde reputat aut accept existens, quod de nobis tenentur in Capite, dare possit & concedere, alienare, vendere, bargainare, scoffare, warrantizare, aut cognoscere per finem in curia nostra coram Iusticiarijs nostris de communi banco, aut aliter, seu aliquo quocunque modo dilecto nobis E.R. Habend' et tenend' eidem E. hereditibus & assignatis suis, de nobis & heredibus nostris, per seruicij inde debita et de iure consueta imperpetuum: Et eidem E. quod ipse dictam medietatem manerij predicti, ac ceterorum premissorum cum pertinentijs a prefato I. recipere possit, et tenere sibi, hered', & assignatis suis, de nobis & heredibus nostris, per seruicia predicta imperpetuum, sicut predictum est, tenore presentium similiter licentiam dedimus, ac damus specialiter: Nolentes quod predicti I. aut heredes sui, vel predicti E. heredes sui vel

Secl. 148.

Fines and Concords.

vel assignati sui predicti, ratione premissorum. per nos heredes vel successores nostros, Iusticiarios, Eschaetores, Vicecomites Balliuos, aut alios officarios seu ministros nostros, heredum vel successorum nostrorum quoscumque inde occasionentur, molestantur, perturbentur, vexentur, in aliquo, seu grauentur, aut eorum aliquis occasione tur, molestetur, perturbetur, vexetur in aliquo, seu grauetur. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westmonasterium vltima die &c.

A licence to alien in Mortmaine.

Sect. 149.

Iacobus dei gratia &c. Omnibus &c. Sciatis quod nos de gratia nostra speciali, ac pro 40 solidis nobis solutis in hanaperio nostro, concessimus, ac licentiam dedimus, ac licentiam damus, pro nobis et heredibus nostris, quantum in nobis est, R. S. quod ipse Aduocationem de L. Abbati & Conuentui de L. in comitatu E. dare possit & concedere: Tenendum sibi & successoribus suis de dicto domino Rege et heredibus suis, in liberam, puram, & perpetuam Eleemosynam imppetuam. Ac eisdem Abbati et Conuentui, quod ipsi Aduocationem illam a prefato R. S. recipere, & Ecclesiam illam appropriare, et eam sic appropriatam in proprios vsus tenere possint sibi et successoribus, de ipso Rege & heredibus suis, in liberam, puram & perpetuam Eleemosynam imppetuam: Nolentes &c. *ut supra.*

Quod permittant finem leuari,

Sect. 150.

After that such licence is had, the use was (which is not now in use) to have a writ, mentioning the licence & the effect of same, directed to the Justices of the common Place, commanding them, quod permittant finem illum leuari, Register fol. 176. a. 1. E. 3. ca. 12. 34. E. 3. cap. 15. 33. H. 6. fol. 2. The tenure of which succeedeth.

Rex, Iusticiariis suis de banco, salutem: Cum per literas nostras patentes, de gratia nostra speciali, concesserimus I. S. quod ipse de maneriis suis de F. & W. cum pertinentiis, que de nobis tenentur in Capite, seoffare possit &c. (recitando totam cartam) put in literis nostris predictis plenius continetur, ac breue nostrum de conuencione pendeat coram vobis in banco predicto, inter predictos I. & K. de maneriis predictis, ad finem inde inter eos secundum legem & consuetudinem regni nostri Anglie leuandum, ut accepimus: Vobis mandamus, quod finem illum inter partes predictas de maneriis predictis, coram vobis in eodem banco leuari permittatis, iuxta tenorem literarum nostrarum predictarum. Teste &c.

But before 20. H. 3. the kings tenant in Capite might haue aliened his free lands without licence, 14. H. 4. 3. 20. Ass. plac. 17. as it seemeth.

The

But before the granting of any such licence, either to alien lands, holden in chiefe, or, to alien lands in Mortmain, or release right in Mortmain, or exchange, the ancient use was to have a writ of Ad quod damnum, retaining the substance of the kings licence out of the Chancery, directed to the Escheator in the Countie wherein the lands lie, to be aliened, to enquire and certifie into the Chancery what damage or prejudice thalienation thereof will be to the king, or the other chiefe Lords, of whome they are holden. And of what tenure and value the lands be. And whether there remaine sufficient free land besides those to the alienor, to sustaine publike charges, and to be in Assises and Tries, &c.

Seet. 151.

And this is aswell where the alienation is made by the king, or by a Corporation, or a some court, as by any other.

The like Inquirie by writ of Ad quod damnum, hath been used before the king made any grant or pardon, for alienation, lease, release, confirmation, or licence, and after the Inquisition returned and certified into the Chancery, to effect the same accordingly, Fitz. Nat. bre. fol. 221. & inde vsq; fol. 227.

But now experience is to the contrarie, in lieu whereof the use at this day is, to put in the kings patents, these words: Absque aliquo breui de Ad quod damnum, seu aliquibus alijs breuib; seu mandatis, superinde habendis, fiendis, aut prosequendis.

And one writ of Ad quod damnum will serue for diuers purchases, And a licence to alien in Mortmain of one king, will serue in the time of another.

But not so of lands holden in chiefe, 22. E. 3. Fitz. Nat. bre. in bre. vide Ad quod damnum.

I purposely omit here the forme of such writs de Ad quod damnum, because they be so growne out of use.

Of a pardon for Alienation.

But if perchance any alienation of land holden in Capite, be made without licence, a pardon must be sued, the fine of which is 100. li. of lands by one yeare, and the meane profits between the Inquisition and the pardon, 31. H. 8. Br. Alienation 29. unless the Commissioners will more fauourably compound for the same, as in some cases upon reasonable cause shewed, they use to do, which pardon being purchased, the purchaser is to hold his land still, 14. H. 6. 26. 50. Ass. p. 2. E. 3. cap. 13. 34. E. 3. cap. 15. 2. E. 4. p. 1.

Seet. 152.

But the fine of a licence to alien lands holden in Capite, is, 2 third part of the yearely value thereof, 26. H. 8. Br. Alienation 29.

A Fine of pardon.

Fine of a licence.

Mortmain,

Fines and Concords.

the king may seise them as forfeyted or escheated, Magna charta cap. 36. Westm. cap. 32. And for a licence thereof to be graunted, the fine thereupon to be paid, is the value of the land by thre yeares, 26. H. 8. Br. Alienation 29.

Variance. But variance betwene the licence and the fine is not materiall, if it be all one alienation, 32. H. 8. Br. Alienation 30.

Release. And if seemeth that a fine surteless by other releas, is none alienation, and therfore no fine due for þe same, P. 37. H. 8. Br. Alienation 31.

Recoueries. But fines are payable, and licences to be sued vpon common Recoueries, 39. H. 6. 32. H. 8. ca. 1. 4. E. 3.

Will. Deuise by will is an alienation, 3. Ma. 1. Br. Alienation 37.

Of the Dedimus Potestatem to take cognizance of a fine.

Sect. 153.

A Dedimus potestatem to take knowledge of a fine, is, as aforesaid, a writ Commissionall directed to one, or moe, giving them power to take and certifie to the Iustices of the common Place, the cognizance of the Cognizées, when they cannot conveniently travell to do it in Court, and it ought to recite the substance of the writ of Conenāt, And beare Wesse or date after it, Fitz. nat. fol. 146. g. The forme of the writ of Couenant, and Dedimus potestatem, with the returns thereto, ensue:

The writ of Couenant,

Iacobus dei gratia, Anglie, Scocie, Francie, & Hibernie Rex, fidei defensor &c. Vicecomiti Eborac salutem: Precepe T. B. armig', & A. uxori eius quod iuste et sine dilatione teneant V. P. gener, conuencionem inter eos factam de manerio de T. cum pertinentijs: Ac de duobus messagijs, totagijs, quinq; toftis, vno columbar, quinq; gardinis, quinque pomarijs, centum & decem acris terre, quinquaginta acris prati, quinquaginta acris pasturæ decem acris bosci, centū acris iampnorū & bruer, quadraginta solidas reddit, & communia pastur p omnimodis animalibus, cum pertinentijs in W. & B. Et nisi fecerint, et p dictus W. fecerit resecutum de clamore suo prosequend', tunc sumus per bonos summonis predict' T. & A. q sint coram Iusticiarijs nostris apud Westmonasterium in octab. Sancti Michaelis, ostensuri quare non fecerint, & habeas ibi sumus & hoc breue T. &c. xij. die N. anno regni nri &c.

Fine.

And the fine thereof is entred vnder the writ, thus:

Pro vigint solid solut sumus sine dñi Regis virtute warrant regij.

Then must the writ of Couenant be indorsed thus:

Indorsment.

Per E. S. pro fine infra scilicet q affid' quod teneat infra scilicet non exec' val' x. libr per annum.

E. S.

In

The Officers returns.

Pledg' de prof.

Iohannes Doo.
Richardus Roo.

Summ

Iohannes Den.
Richardus Fen.

The Commiss. of Fines.

W.L. T.W.

R.Eure armig' Vic'.

The Dedimus potestatem thesot.

Iacobus dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor &c. Charissimo consanguin' nostro Gilberto Comiti Salop, ac prædilecto ac fideli nostro I. D. militi domino D. Necnō dilect' & fidelib' suis G.S. militi, & C.C. militi, Ac dilecto nobis W. West. armig. Salutem: Cum breue nostr' de conuencione pendeat coram Iustic' nris de banco, inter W.P. genef, & T.B. armiger, et Annā vxorem eius, de manio de T. cum ptinen': Ac de duob' messuag', trib' cotag', quinq' tost, vno colubaf, quinq' gardinis, quinq' pomar, centū et decē acr frē, quinquaginta acr prati, quinquaginta acris pastur, decē acris, bosci, centum acr iampnorū et bruerē, qua dragint solidaf reddit, et cōmunia pastur p omnimodis animalibus cū pntin in W. & B. in Corn Ebor, ad finem inde inter eos coram Iustic' nostris p'dict' in banco p'dict, secūdū legem et consuetudin' regni nrī Angl' leuand': Ac præstati T. & A. adeo impotentes sui existunt, q' absq' maximo corporum suorum periculo, vsque Westm ad diem in dicto breui contentum, ad cognitiones, q' in hac parte requiruntur, facienā, laborare non sufficiunt vt accepimus. Nos statui eorundem T. & A. compatiētes in hac parte, dedimus vobis, quatuor, tribus vel duobus vestrum, potestatem recipiend' cognitiones, quas idem T. & A. coram vobis, quatuor, tribus, vel duob' vestrum facere voluerint de præmissis. Et ideo vobis, quatuor, tribus, vel duobus vestrum, mandamus, quod ad prefat. T. & A. personaliter, accedentes, cognitiones, suas prædictas recipiatis, & cum eas receperitis, prefat Iustic' nostros inde, sub sigillis vestris, quatuor, trium, vel duorum vestrum, distincte & aperte reddatis certiores, vt tunc finis ille, inter partes prædictas, de premissis, coram Iustic' nostris prædictis in banco prædicto leuari possit, secundum legem & consuetudinem supradict', mittentes eisdem Iustic' hoc breue, teste meipso apud West. 14. die N. Anno reg. nrī secundo.

Garth.

The name of the Curstoz.

The said Dedimus potestatem must be indorced thus: Per dominū custod' magni sigilli Angel' ad instanc' peten'.

F.iiij.

The

Fines and Concords.

The Lord keepsers name.

The Iustice of the Circuit.

Io. Puckering Chancel.

Fr. Beaumont.

Return.

Executio istius brevis patet in quad schedula eid annexa.

The Precipe and Concord which must be filed to the Dedimus potestatem.

Bre conuenc

Eboꝝ. II. **P**recipe T. de P. armigero, & A. vxori eius, quod iuste &c. teneant W.P. gener, conuencionem &c. de manerio de T. cum pertinē, Ac de duobus messuagijs, tribus cotagijs, quinque toftis, vno columbar, quinq. gardinis, quinque ponsijs, centum & decē acris terra, quinquaginta acris prati, quinquaginta acris pasture, decem acris bosci, centum acris rampnorum & brueræ, quadraginta solidas redd. communia pasture pro omnimodis animalibus cum pertinentijs in W. & B. Et nisi &c.

Eest concordia talis, scilicet, quod predict. T. & A. recognouit predict. manerium, columbare, tenementa, redditum, & communiam pasture cum pertinentijs esse ius ipsius W. vt illa quæ idem W. habet de dono p^{re}dict. T. & A. Et illa remiserunt & quiete clamauerunt de ipsis T. & A. & hered. ipsi T. pred. W. & heredibus suis imperpetuum. Et p^{re}terea idem T. & A. concesserunt pro se et hered. ipsius T. quod ipsi warrant pred. W. & hered. suis p^{re}dict. manerium, columbar, tenement, reddit & communiam pasture cum pertinentijs, contra se et hered. & assign. ipsius T. ac contra hered. & assign. I. B. armig; ac contra omnes homines clamant seu habent aliquod ius, titulum, statum, vsum, interesse, aut demand. de aut, in eisdē manerio, columbar, tenemento, reddit, & communia pasture cum pertinentijs, aut de, aut in, aliqua inde parcel. p. de, vel, sub eisdem T. & I. hered. vel assign. suis, vel hered. seu assignat eorum alterius: Et pro hac &c.

Capt et cognit apud K. in Comitatu Eboꝝ, decimo nono die Ianuarij Anno Regis Iacob. &c. secundo, coram

The Commissioners names

G. Shrew.

W. West.

The names of the parties

T. B.

A. B.

Dedimus potestatem super breue de consuet. & seruitijs pro fine inde leuand.

Rex &c. dilecto & fideli suo R. H. vni Iustic. suorum de Banco, Salutem, Cum breue nostrum de consuetudinibus et seruitijs, pendeat coram vobis, & socijs vestris Iustic. nostris de Banco, inter W. B. armigerum, & E. A. armigeram de consuetudinib. & seruitijs, q̄ idem E. eidem

idem W. facere debet, de libero tenemento suo, quod de eo tenet in N. v. in homagijs, fidelitate, releuijs, et alijs, in comitatu S. Nosque ad petitionem predicti W. & E. licentiam nostram eis dederimus inde concordand, ac prefat W. & E. adeo impotentes sui existant, qđ absque maximo corporum suorum periculo, vsque Westmonaster, ad diem in dicto breui nostro contentum, ad cognitiones, que in hac parte requirunt, faciendas, laborare non sufficient, vt accepimus, nos statui eorundem W. & E. compatiētes in hac parte, dedimus vobis potestatem recipiendi cognitiones, quas iidem W. & E. coram vobis facere voluerint de pmissis: Et ideo vobis mandamus, quod ad prefat W. & E. personaliter accedentes, cognitiones suas predictas recipiatis: Et cum eas receperitis, prefatos socios vestros inde distinet & aperte reddatis certiores, vt tunc finis ille inter partes predictas de premissis, coram vobis & socijs vestris predictis in banco p̄dicto, secundum legem et consuetudinē reg. Angl' leuari possit. Et habeas ibi tunc hoc breue T. &c.

Of the Kings siluer.

The Kings siluer is the fine which is paid unto his Maestie for Sect. 154. his highnes licence of concord, which vpon writs of Couenāt, be tured after the rate following: What is to say, for lands of the p̄cely

Li. s. d.		Li. s. d.
3. 6. 8.	} is paid	0. 6. 8.
5. 6. 8.		0. 10. 0.
7. 13. 4.		0. 13. 4.
8. 13. 4.		0. 16. 8.
11. 0. 0.		1. 0. 0.
12. 0. 0.		1. 3. 4.
14. 6. 8.		1. 6. 8.
15. 6. 8.		1. 10. 0.
17. 13. 4.		1. 13. 4.
18. 13. 4.		1. 16. 8.
20. 0. 0.		2. 0. 0.
22. 0. 0.		2. 3. 4.
24. 6. 8.		2. 6. 8.

Every 5. markes and 20. shillings, paieth fine — 6. s. 8. d. From 5. markes and 20. s. vnto 5. markes, and 40. s. paieth — 10. s. And aboue 5. makes & 40. s. vnto 10. markes and 20. s. paieth — 13. s. 4. d. And with the proportion for all other fines.

And

Fines and Concords.

And it is commonly entred by the Clerk of the Kings Silver, in this forme.
 Entric of the Kings silver.

Chof. A. I. W. dat Reg. x. s. pro licencia concordandi cum E. W. armig^r & I. vxore eius, de placito conuentionis, de vno meſſuagio, decem acris terræ, decem acris prati, & decem acris paſturæ, cum pertinenſijs in D. recuſing the ſubſtance of þ w^{it}. Et habent Cirographum per pacem admiſ. coram R. W. vno Juſticiari domini Reg. de banco, Juſticiari in parria.

Obſervations neceſſarie at the knowledge of Fines.

Sect. 155.
 The tyting of the note,

When a Fine is to be knowledged, it is meeke, that beſore the parties come beſore the Judges, or Comiſſioners, the tyting of the w^{it} of Couenant and Concord, be faire w^{it}ten, according to the parties mindes, and duly examined, and alſo ſigned, or ſubſcrib^d by all the Cogniſors.

Knowledge of the Cogniſor.

It is alſo requiſite that either of the Cogniſors be knowne to the Juſtices, or Comiſſioners, that muſt take the Cogniſance thereof, or that ſome other credible perſon, knowne to him which taketh the cogniſance, who knoweth the partie, be preſent: And doe ſufficiently enſure the Judge, that they be the ſelfe ſame parties, againſt whom the w^{it} is brought: for ſome will couenouſly knowledge fines in the name of others that be owners of the land, 34. H. 6. fol. 19.

Examination of Wines.

And if a ſeme covert be cogniſor, ſhe muſt be perſwaded to yield her conſent and be fully agreed with, beſore ſhe be examined, for in all caſes, whers a ſeme covert is to depart with any thing by fine, ſhe muſt be examined by the Juſtices or Comiſſioners that take þ cogniſance, & confeſſe that ſhe doth make cogniſance freely, & not through feare or compulſion of any, beſore the cogniſance wil be accepted. But whers ſhe is to take benefit by a fine, ſhe ſhall neuer be examined, 43. E. 3. 7. 3. H. 6. 42. 46. Ed. 3. 15. 8. H. 6. 42. 4. E. 3. 62. Statut de finibus 18 Ed. 1.

Value.

Alſo the yearely value of lands ſhould be ſet downe vnder þ Concord, and ſome honeſt perſon, which knoweth the land, brought thither, to make oath for the value thereof: for without ſuch oath, or poſſition the fine cannot paſſe.

Oath.

Composition.

And compoſition with the Comiſſioners will not readily be made without oth, or ſome late fine, licence, or other matter of record, to enſure the Comiſſioners of the value thereof, which being done, the w^{it} of Couenant is againe there to be entred, & the fine thereof (if it be fineable) muſt there be paid to the receiuer, and then the w^{it} muſt be ſigned by the ſaid Comiſſioners, & done, the ſaid w^{it} muſt be ſealed,

led, and returned with the Concoyd and Dedimus potestatem, if the cognisance was taken by Dedimus potestatem, and then the said writs must be taken out and signed by the Custos breuium, and thence they must be carried to the Clerk of the kings sinner, who must take a note thereof for the entrie of the R. sinner, and signe the same againe, & then must they be deliuered to the Chyrogapher of fines, to be ingrossed & proclaimed. The examples whereof appeare in their apt places.

How, and when, cognisances of fines must be certified, and what may hinder the same.

If they, which haue takē cognisance of a fine, wil not certifie the same in convenient time, a Cerciorari is to be awarded vnto them, compelling the matter of the Dedimus potestatem, & commanding them to certifie it. which if they do not, there lieth against the Commissioners, Alias, Pluries, and Attachment &c. Fitz. na. br. 147. b. Sect. 156. Certificate.

But they are not bound to certifie such recognisances, but within the yeare after such caption thereof, but if they do, it is good enough, 23 Eliz. ca. 3. And with every such certificate they must certifie the day & yere wherein the same was knowledged, Thus, cap. apud R. in coram Ebor. 20. die Octob. Anno reg. Jac. Regis &c. Time.

Else no Clerke or officer may receiue the same, but shall forfeit for every writ otherwise receiued v. li. 23. Eliz. ca. 3. If any of the parties to a fine die after recognisance thereof, & before it be certified, it ought not to be certified, 1. H. 7. 9. 33. H. 6. fo. 52. Dyer fo. 146. pl. 68. 7. El. Forfeiture.

But if such cognisance of a fine be certified, and the kings sinner entered, the fine is good, and may afterwards be ingrossed, though it bee in another Terme, Thus: K. sinner.

Hec est finalis concordia facta &c. in crast. Pasche Mariz. & postea concessa et recordata in quindena Pasche, Dyer fol. 220. pl. 15. & fol. 254. pl. 104.

If the Justice or Commissioner, that hath taken the knowledge of a fine, die before it be certified, their executors or abinistrators may certifie the note of the fine, to the Justices of the Common place by writ of Cerciorari out of the Chancery to them directed, 8. H. 4. 5. 1. H. 7. 9. Fitz. nar. br. fol. 147. b. The forme of which Cerciorari is such. Iustice or commissioner dieth.

Rex dilecte sibi B. W. vid. executrici testamenti T. W. nuper vnus Iusticiorum de Banco salut. volentes certis causis certiorari super quoddam cognitiones cuiusdam finis in T. D. & I. G. de vno mess. cum ptiū in T. in coram E. per pred. nuper Iustic. cap. ac in custodia tua ratione executionis testamenti pred. existens, ut dicis, tibi precipimus qd cognitionem pd. Iustic. nris apud West. sub sigillo tuo distince et apte sine dilacione mias, & hoc bte, ut ijdē Iustic. vltcrius ad finem illū leuand. fieri fac. quod: Cerciorari exco. Iustic. super cognitionem finis.

Fines and Concords.

quod de jure, et secundum legem et consuetudinem regni nostri Anglie fuit faciend, T. &c.

Justice discharged.

In like maner, if a Justice having taken cognisance of a fine, be discharged of his office, befoze he haue certified the same, he may not certifie it without a like writ, notwithstanding that he be restored to his place againe, 8.H.4. 3. H.7.9.

The kings de aſſi.

And thereupon it hath bin vſed that a writ hath bin directed to the ſaid Juſtices to receive the ſame cogniſance, but I ſee no vſe thereof at this day, F.N. 147.b.

But if the king die after the cogniſance taken, and befoze the certifying thereof, the Juſtices cannot then certifie, Nam per mortem ſeu diſmiſſionem regis, ceſſat poteſtas Iudicis, 1.H.7.9. yet learne, ſoz I thinke ſt statute of 1.E.6.cap.7. doth remedy this miſchief ſoz þ woꝝds thereof be theſe in effect, viz.

Feme.

By the death and demife of any king, no action, bil, oꝝ plaint ſhall depend betweene partie and partie in any Court of record, ſhal be diſcontinued oꝝ put without day. But if the king die after the kings ſinner is entred & befoze the fine be ingroſſed, the writ of Covenant may be reſummoned, and the fine ingroſſed, 1.H.7.9.

Signed.

If a feme ſole by Dedimus poteſtatem, knowledge a fine, and befoze the returne thereof marry, this fine may bee certified & engroſſed as of a feme ſole, becauſe the taking of her huſband after þ fine knowledged is her owne volountarie act, and ſuch fine ſhall barre her & her heires ſoz ever, Dyer, fol. 246. pl. 68. Mich. 7. & 8. Eliz.

Every writ of Dedimus poteſtatem, to ſpeciall Commiſſioners alſo the taking of the cogniſance of fines, ought to be ſigned by the L. Chancellor, oꝝ L. Keeper, oꝝ chiefe Juſtice of the Common place, oꝝ the Juſtice of the circuit where the land lyeth.

Of the inrolment of writs of Covenant, Dedimus poteſtatem, and knowledges thereupon, which is termed the foote of the fine.

ſect. 157

Inrolment.

Costos breuium Fec.

Imbeſelling. Proclamatio. The foot of the Fine.

Befoze thingroſſing of the fine by the Chirographer, & writ of Covenant, the writ of Dedimus poteſtatem, with the knowledges & notes of the ſame, muſt be inrolled in a roll to be of record ſoz ever, to remaine in the ſafe cuſtodie of the chiefe Clarke of the Common place (which is Custos breuiū) and his ſucceſſors, who muſt haue 22. ſ. for entring of the Concord, to thintent that if the notes of the fines in the cuſtodie of the Chirographer be imbeſelled, execution may bee had vpon the ſaid roll, 5.H.4.ca.14. Upon this roll þ Proclamations are endoꝝled, and theſe notes are termed the foot of the fine. Dyer fol. 311. pl. 19. 15. Eliz.

Of the note of the fine.

The note of the fine, is a note thereof made by the Chirographer before it be ingrossed, which beginneth thus:

Sec. 158.

The note of the fine.

Ebor. n. Inter A. B. quer. & C. D. de fore de duobus messuagijs, duobus cottagijs, centum acr terr, quadraginta acr prati, viginti acr pasturiz, vna acr bosci, octo acr iampnor & brueræ, & vno denario reddit cum pertin in A. vnde placit conuenc sum in fuit inter eos &c. scz, qd pd C. recogn tenta et redd pd cu pertin esse ius ipsius A. & concess. p lect hered suis, q pd tenta & redd cum pertin, que pd G. & I. tenent ad termin vitæ ipsius I. de heredit pd C. die quo hec concordia facta fuit, & quæ post decessum ipsius I. ad pd C. & heredes suos debuerant reueri, post decessum ipsius I. integre reman præd A. et hered suis; record de capitalibus dominis feodi illius, per seruicia, que ad præd tenta & reddit pertinent, imperpetuum: Et pro hac recogn, concessione, fide & concordia, idem A. dedit pd B. 100. marcas sterl. Upon which note, before the ingrossing of the fine (if it bee of a remainder, reversion, rent, or seigniorie) writs of Quid iuris clamat, per que seruicia, & quem redditum reddit, must be (aid as the case requirerth, Plo. fo. 43. b. 2. H. 6. 13.

Quid iuris clamat.

Quid iuris clamat, is a Quociall writ, and issueth out of the Record of the fine, remaining in the keeping of the Custos breu of the common place, Plo. 43. b. before it be ingrossed, for after ingrossing, it cannot be had, Plo. fo. 43. b. 2. H. 6. 13. F. Nat. br. 147. a. which writ is for the grantee of a reversion or remainder, when the particular tenant will not attorne to enforce him to attorne. 22. H. 6. 13. Plo. 43. b. And it is made in this forme.

Sec. 159

Re xvico com salutē. Pñ tibi quod venire facias coram Iustice nostris & tali die G. & A. vxorem eius, ad cognoscendum quid iuris clament in vno messuagio, et decem bouatis terre, cum pertin in B. quæ tenta cum pertin M. quæ fuit vxor G. in eus nostra &c. concessit A. de B. per finem ibi inde inter eos factum. Et habeas &c.

Summons.

And the final cause of this writ of Quid iuris clamat, is, that the grantee or cognisee of the reversion or remainder, may by that attournment of the particular tenant, be enabled (if cause be giuen) to bring an action of wast, or to auow for rent reserved, or seruices behinde, which he cannot do without attournment, Plo. fo. 43. b. 2. H. 6. 13.

Tenant in dower shall attorne though the writ suppose her to be tenant for life, because she claieth no greater estate then she hath. Hil. 3. E. 3. Fitz. Quid iuris clamat. yet it seemeth she is there by loofeth her warrantie, & advantage to be newly endowed, if she be elided. 10

Tenant in dower.

E. 3.

Fines and Concords

E. 3. Fitz. Quid iuris clamat &c. 47.

Briefe.

If a gift be for life, the remainder for life, & writ must mention the remainder, Hill 3. E. 3. 15. E. 3. Fitz. Fines 9.

It is meete therefore to learne who are compellable hereby to attorne, and who not, and by whom.

What persons may obtaine attournment by Quid iuris

clamat, and what not.

Sect. 160.

Grauntee de

reuerfion.

Lafant.

The grauntee of a reuerfion void of impediments, 34. H. 6. b. Fin. nar. fo. 168. b. Fitz. nar. br. 147. 2.

But an Infant cannot, because if a lease for life without impeachment of waite be pleaded in barre, he cannot confesse it, 43. E. 3. 5. contra 3. E. 3. Fitz. Quid iuris &c. 42.

Nothing in
the reuerfion

If the cognifor haue nothing in the reuerfion, the tenant shall not attorne Lib. Inf. fol. 536.

Feme court.

A feme court without her husband, albeit the fine was leued when she was sole, 1. H. 4. 7.

Diuers.

If there be diuers pleas, and one die hanging the plea, yet shall the tenant attorne to the rest, 48. E. 3. 32.

Diuers.

If diuers sue the writ, and one be nonsuit, yet attournment shall be unto the other without summons & seuering of the other, 46. E. 3. 32.

Abbot.

An abbot may attournment dun teñ pur vic sans mfe licence, & per sequeure, 17. E. 3. 7.

Disseisor.

If cognifor disseise the tenant of part, he shall haue no attournment, 19. E. 2. Fitz. Quid iuris &c. 46.

What persons be compellable to attorne by Quid iuris clamat, and what not.

Sect. 161.

T. for life.

The writ of Quid iuris clamat, lyeth against the particular tenant of the land for life, 34. H. 6. b. Nar. br. fol. 168. b. Fitz. nar. fo. 147.

Feme court.

though he be but tenant for life of land holden in Capite, a feme court, 45. E. 3. 11.

T. for yeares.

And a tenant for yeares shall attorne, 5. H. 4. 3.

T. in taile.

But tenant in taile is not compellable because of the estate of inheritance which is in him, 38. E. 3. 20. So tenant in taile, after possibility of issue, extinct for the inheritance which was once in him, 43. E. 3. 1. 46. E. 3. 13. & 27.

T. in taile after
poss.

A particular tenant of lands holden in Capite, is not compellable to attorne without sight of licence of alienation, lest his lands should be subject to a fine for the alienation without licence, 45. E. 3. 6.

T. for life of
lands in capite.

If A. and B. haue an estate for ten yeares, as executors, & B. haue

Executors.

five yeares in reuerſion in his owne right, he muſt attorne, becauſe he is poſſeſſed of þe whole terme, & the attornment of one executor of a terme is good enough, 32.E.3. Fitz. Quid iur clariſ. p Stanhoppe.

But if A. leaſe to B. & C. for 6. yeares, & after confirm þe eſtate of B. for life, the note of þe fine ſhall make mention of B. onely, per Seton, 32.E.3. Fitz. Quid iur clariſ.

T. pur vie one
A pur ans.

If tenant in dower, or by curteſie, grant their eſtate, yet the Quid iur clariſ lyeth againſt them, for none but they can be tenant in dower, or by the curteſie, 18.E.3.5. also Fitz. Quid iur clariſ.

T. Dower.
T. Courteſie.

If a leaſe for yeres with lineries, be vpon condition, that if the leſſee pay ten l. ſuch a day, or y. leſſor die within þe terme or he ſhal haue fee: before the day the leſſor alien by fine, this tenant ſhal attorne (Saluis aduantiagijs) And yet if he pay the ten pound at the day, or the leſſor die during the terme, the leſſor ſhal haue fee, 6.R.1. Fitz. Quid iur clariſ.

T. for yeres
vpon conditiō

If a Quid iur clariſ be againſt two, as tenants in comen, he which appeareth muſt attorne, if he plea doth that they are ioint tenants, 16.E.3. Fitz. Quid iur clariſ.

Vers T. in cō-
men.

If a particular tenant grant ouer his eſtate after the note leuied, yet muſt he attorne, 17.E.3. Fitz. Quid iur clariſ.

After assigne-
ment.

If the tenant attorne once vpon the grant of the cogniſor, he ſhall attorne no more, 14.E.2. Fitz. Quid iur clariſ.

Once attorne

If a ioint tenant, or tenant in comen of a reuerſion, grant his part by fine, the particular tenant ſhall not be compelled to attorne, 5.E.3. Fitz. Quid iur clariſ.

Ioint Tenant.
Tenant in
comen.

Upon a leaſe for life vpon condition, that if the leſſee die, within 20. yeres, that his executor, administrator, or assignee, ſhall hold vnto the end of 20. yeares, the leſſee ſhall attorne as tenant for life, to proteſtation to ſaue his intereſt, 16.E.3. 20.E.3. Fitz. Quid iur clariſ.

Tenant for life
vpon conditiō

If the reuerſion of 2. ioint tenants for life be granted by fine, ſuppoſing the one to be ſole tenant, the tenant is not compellable to attorne, 32.E.3. Fitz. Quid iur clariſ. per Seton.

Ioint tenant of
a reuerſion.

But tenant by ſtatute or Elegie ſeemeth not compellable to attorne, becauſe the cogniſor cannot compell him to accompt, and he may hold the lands after his ſumme ſatiſfied, vntill he haue leuied his damages, 6.E.3. 13. Fitz. Fines 99. E.3. Fitz. Quid iur clariſ.

T. by Elegit.

If a tenant for life, where the huſband ſole is cogniſor of his wines, and ſhe if he doe attorne, the wife ſuruiuing her huſband may enter for her ſhare, 17.E.3.

Baron ſole
cogniſor.

And a Clerke, which hath no lay fee, is not compelled to attorne, 38.E.3. 28.

A Clark.

If a tenant for life in reuerſion or remainder, 34.H.6.b.

Reuerſion.

Fines and Concord.

- Prisonariage.** *01. Tenant in frankmarriage, Lib.int, Quid iuris clamat 11.*
- Infant.** *01. 02. an infant 43. E. 3. 10.*
- Ideot.** *01. 02. a madman, 03. 04. as it see meth, because of their disabilities.*
- With excep- tion.** *But attournment made by such persons, as are able, but not com- pellable to attourne is good, 12. E. 4. Nati. br. fol. 170. b.*
- Covenants.** *And an attournment may be with an exception, if the tenant have a lease for life without impeachment of waste, as he may attourne sa- ving his advantage, & it shall be so entered, 45. E. 3. 11. 14. E. 3.*
- Annuite.** *If the tenant have covenants to repaire &c. 48. E. 3. 32. 02. have an annuite out of the land, 48. E. 3. 32. 03. covenant of warrantie 03.*
- Warrantie.** *acquitale, 41. E. 3. 48. 04. to sell trees, he may attourne, saving these advantages.*
- Acquitall.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- Graunt.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- Remainder in fee.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- Seisin in fee.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- The comur had nothing.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- Nontenure.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- Seisin in fee.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- Seisic. de tali statu qual' &c.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- For parcell.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*
- Relcas.** *01. 02. 03. 04. 05. 06. 07. 08. 09. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

grosse pur ans claim pur vie, & saile de ren, il sozseit son terme, 6. Forfeiture per
R. Fitz. Quid iur 20. Plecingtons case. t pur ans,

What proceſſe lie in a Quid iuris clamat.

The proceſſe in a Quid iuris clamat, is ſummons and diſtreſſe in
finite, Natur. br. 109. a. but if the tenant appeare, and plead no
good barre, and yet wil not atturn, he ſhal be impriſoned, 37. H. 6. 14.
But if the tenant diſclaims, and it be found againſt him, he ſhal at
turne, 4. E. 3. 27. Sect. 163.
Proceſſe.
Correction.
Disclaimer.

But if the tenant ſoꝝ liſe, yeares, in dower, by curteſie, oꝝ extent, by
plea claime ſee, oꝝ ſee taile, and it bee found oꝝ otherwiſe, hee doth ſoꝝ
ſeiſ his eſtate, 15. E. 4. 28. Naſ br fol. 168. b.

And the tenant may atturne by *Dedimus poſteſtatem*, the ſoꝝme
whereof enſueth, Regiſt. 167. b. Att. by De. Po.

Rex dilecto & fideli ſuo I. M. militi &c. Cum breue noſtrum de con-
uencione pendeat coram vobis et ſocijs veſtris iuſticiarijs noſtris de bā-
co, inter R. & P. de centum acris &c. quas I. tenet ad vitam ſuam de p-
ſato P. ad finem inde inter præſatos R. & P. ſecundum legem et conſu-
tudin' regni nſi Angl' leuand', per quod vicecomiti nſo Norff. p bre-
ue noſtrum mandauimus, qd venire faciat coram præſatis iuſticiarijs nſis
pdiſtam I. ad diem in breui illo contentum, ad cognoscendum quid iur
clamat habere in terra prædicta. ac præſ. I. adeo impotens ſui exiſtat, qd
vſq; bancum pdiſt', ad diem ſibi datū abſq; maximo corporis ſui pe-
niculo laborare non ſufficit, ad cognoscend' quid iuris clamat habere in
terra pſd: Nos ſtatim ipſius I. compatiētes in hac parte dedimus vobis
poſteſtatem recipiendi cognitionem, & teſtificandi atturnamētū qd pſ. I.
coram vobis facere voluerit in hac parte: Et ideo vobis mandamus, qd
ad pſ. I. perſonaliter accedentes, cognitionem quam coram vobis in hac
parte facere voluerit, recipiatis: Et cum eam receperitis, et ipſe coram vo-
bis, prout moris eſt, ſe atturnauerit, præſ. ſocios veſtros de cognitione pſd
diſtincte & aperte certificetis, præſ. atturnamentū teſtificantes, vt finis
ille inter partes pſd, de terra prædicta coram vobis & ſocijs veſtris pdiſtis
in banco pdiſto leuari poſſit, ſecundum legem & cōſuetudinem ſupra-
dictas. Et habeatis &c.

By default after appearance Diſtring' ad atturnand' ſhall be atwar' Default.
Deo, 1. E. 3. 9.

Conſuit in Quid iuris clām, is not peremptoꝝ: 18. E. 3. 6. Fitz. Quid Nonſuit.
nſt 27. 24. E. 3. Fitz. quid &c. 39.

The writ of Summons in Quid iuris clamat, is after this manner.

Iacobus dei gratia &c. vic' Eboꝝ ſalutem: Pſ tibi, quod venire fac' Sect. 164.
coram Iuſtic' noſtris de banc' a die, Paſchz in xv. dies, A. B. ad cog- Summons.
noſcend'
G. j.

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Essoine.

noscend^r quid iur^r clar^m in vno messuagio, & decem ac^r ter^r, cum p^rin^r in B. qu^r M.N. in cur^r nostra &c. concessit C.D. per finem ibi inde inter eos factū, et habeas ibi. T. &c. *Upon which writ none Essoine lieth,* 9. H. 6. 22. 33. H. 6. 5.

At the return of which writ, the Sheriffe doth return him summoned, thus endorsed upon the back of the writ.

Pleg. infra nominat A.B. { 3. 40.
{ 11. 11.

E.R. vic^r.

Default.

And if the p^r appeare, and the tenant make default, the entrie is thus: P^r fuit vic^r Eb. quod venire fac^r hic a die Pasch. in xv. dies, A. B. ad cogⁿ quid iur^r clar^m in vno messuagio &c. cum p^rin^r in B. qu^r M.N. in cur^r Reg. hic concessit C.D. per finē hic inde inter eos factum: Et modo ad hunc diem ven^r p^r C. per H.I. att^r suum, & pred^r A.B. non ven^r, manu cap^t fuit per I.M. & K.L.

Distress.

*Ideo ipse in omnia &c. Et p^r est q^d dist^r cum per omnes ter^r & catalla sua &c. Et q^d de exitib⁹ &c. Et q^d habeat corpus eius hic a die s. trinⁱ in 3. sept^r, ad cogⁿ in form^a pred^r &c. Et idem dies datur pred^r C. hic. &c. *At the returne hereof none Essoine lieth, because it is Judiciall,* 9. H. 6. 22. 33. H. 6. 5.*

Essoine.

The distresse in Quid iuris clamat.

Iacobus dei gratia &c. vic^r Ebor^r salutem: P^r tibi, q^d dist^r A. B. per omnes ter^r & catalla sua in balliua tua. Ita quod nec ipse, nec aliquis per ipsum, eis manum apponat, donec aliud a nobis inde habueris p^rceptum & q^d de exitibus eorundem nobis respondeas, ita quod habeas corp⁹ ei⁹ corā Iustic^r nostris apud West, a die sancte Trinitⁱ in tres sept^r, ad cogⁿ noscend^r Quid iuris clamat in vno messuagio &c. cum p^rin^r in B. qu^r M.N. in cur^r n^ra coram Iustic^r n^ris apud W. concessit C.D. p^r finem inde ibid^e inter eos factum, et ad audiend^m inde iudicium suum pro plurib⁹ defaultis. Et habeas ibi hoc breue. Teste &c.

If at the day of the returne hereof the parties appeare, the entrie is thus:

*Alias, prout patet termino S. Trinitatis vltimo p^rterito, Ro^r 60. continetur sic, ff. P^r fuit vic^r E. quod dist^r A. B. per omnes &c. *ut supra* in breui inde, vntill (& ad audiendum &c.) *And then,* Et modo hic ad hunc diem ven^r tam p^r C.D. p^r att^r suum pred^r, quam pred^r A.B. in propria persona sua, & super hoc idem E.B. peti^r audit^r brevis pred^r, & ei legitur, peti^r etiam auditum note vnde breue pred^r emanauit, & ei legitur in h^{ec} verba. E. ff. inter C.D. querent^r &c. *as the note is: And then if the tenant will attorne generally, the entrie further is: Quia audita & intellecta, idem A. B. dicit, quod ipse clamat tenere pred^r messu.**

**Atturment
generall.**

messuagium &c. ad terminum vite sue, prout per notam predictam supponitur, quodque ipse paratus est se prefat C. D. inde attornare, & se ei in curia hic inde attornauit, & cogn &c. Et fecit fidelitatem: ideo finis inde ingrossetur.

¶ If attornment be made out of the Court, the cognizee may informe the Court thereof, and at his sute then this entrie shall be, videlicet.

Et modo hic ad hunc diem veni predictus C. D. in propria persona sua, & dicit quod predictus A. B. attornauit ei inde in propria persona, & petit quod finis inde suo periculo ingrossetur, ideo finis periculo suo ingrossetur &c.

¶ But if the Cognizee appears, and will attorne specially, it may be done in this manner, viz. *Præc* fuit &c. ut supra. Reciting the piores, and the tenant demanding and hauing oyer of the writ, and note of the fine, he may pleade thus, viz.

Attornment speciall.

Et supra hoc, idem A. dicit, quod ipse tenet tenementa predicta cum pertinentiis ad terminum vite sue, ex dimissione M. N. per quandam chartam suam indentat, Cuius alteram partem sigillis predicti M. N. signat idem A. hic in Curia profert, cuius tenor sequitur in hæc verba. *His Indenture made &c. rehearsing the whole indenture*, & saluis sibi omnibus aduantijs & condicionibus scriptis predicti, dicit, quod ipse paratus est prefat C. D. de tenementis predictis, virtute note predictæ attornare. Et predicti C. D. non cognoscit scriptis predicti, quod ex quo idem A. B. tenet tenementa predicta cum pertinentiis, ex dimissione predicti M. N. secundum vim & effectum note predictæ, petit quod idem A. B. se inde ei attornet &c. Et predictus A. B. dicit quod, saluis sibi omnibus aduantijs & beneficio scripti predicti, paratus est se inde eidem C. D. de tenementis predictis attornare &c. Et postmodo idem A. B. saluis sibi aduantijs scripti predicti, se prefat C. D. hic in curia, & cognoscit &c. Et fecit ei fidelitatem &c. Ideo finis inde ingrossetur &c.

¶ But if the tenant will pleade in barre, he may doe it thus, if hee bee tenant in franke-mariage: *Præc* fuit &c. ut supra.

Barre.

Et predictus A. C. dicit, quod quidam P. N. pater patris M. N. cuius heres ipse est &c. per cartam suam dedit tenentem predictum cum pertinentiis eidem A. B. in libero maritagio cum E. filia sua, saluand sibi reuerfionem &c. qui quidem E. obiit sine exitu de corpore suo, preceat, Et sic dicit quod ipse tenet tenentem predictum per formam carte predictæ, Et quod reuertetur inde post mortem suam spectat ad patrem R. Matrem petit iudicium si ipse de tali statu suo se alicui inde attornare debet &c. & profert hic in curiam cartam predictam, quod donum predictum in forma predicta testatur &c. Et predicti C. D. dicit, quod die, quo nota finis predicti leuauit, scilicet 9. die &c. predicti A. tenet predictum tenentem ad terminum vite sue,

Done in frâk-mariage.

G.ij.

prout

Fines and Concords.

prour per notam pred supponitur, absq; hoc quod ipse tunc tenuit tenementa predicta in libris maritagium, prout ipse superius allegauit. Et hoc petit quod &c. Ideo 12. &c.

¶ Thus if the tenant claime fee: o; be not tenant.

Quibus lectis, idem A. B. dicit, quod ipse, virtute notæ predictæ, se p. C. D. attornare non debet, quia quoad vnum mess. &c. que sunt in pred villa de S. de tenentis pred in nota predictæ contentis, idem A. B. dicit, q ipse, tempore leuacionis notæ illius, fuit seiscitus de prædicto messuagio &c. in dominico suo vt de feodo, ex dono et feoffamento cuiusdam L. T. si. bi inde factio: Absque hoc, quod ipse tempore leuacionis notæ illius, tenuit medietatem illam ad terminum vite tantum, prout per notam illam supponitur. Et hoc &c. vnde petit iudiciunt, si ipse, virtute notæ p. se p. C. D. de prædictis messuagijs &c. attornare debet &c. Et quoad tenenta predicta, residua tenementor in nota predictæ contentor, idem A. B. dicit, q ipse, nec tempore leuacionis notæ pred, nec vnuquam pot ftea tenuit eadem tenementa, imo quod, W. A. qui adhuc in vita existit, ad tunc fuit inde tenens, vt de libero tenito suo, et adhuc existit. Et hoc &c. vnde &c. *vi supra.*

Et predictus C. D. dicit, quod ipse ab attorn præd A. B. virtute notæ predictæ habend' precludi non debet, quia quoad pred' messuag' in L. p. idem C. D. dicit, quod predictus A. B. tempore leuacionis notæ illius, tenuit messuag' illud cum pertinentijs ad terminum vite sue tū, prout p notam illam supponitur. Et hoc petit q &c. Et p. dicit A. B. similiter: Et quoad tenementa p. residua dicit, q tempore leuacionis notæ predictæ, predict' A. B. fuit tenens eorundem ad terminū vite sue, prout per notam illam supponitur. Et hoc paratus &c. vnde petit iudicium et q pred A. B. se inde attornet.

Et predictus A. B. dicit quod ipse, tempore leuacionis notæ predictæ, fuit tenens prædictor residuorum tenementorum ad terminū vite sue, prout &c. Et de hoc &c. Ideo 12. &c.

¶ Thus where the Cognisor hath nothing in the reuerfion.

P. fuit Vic' E. &c. *vi supra.* Omnibus lectis et auditis, idem A. B. dicit, quod ipse virtute notæ pred, se p. C. D. attornare non debet, quia dicit, quod p. M. N. qui recognouit tenementa predicta cum pertinentijs eius ipsius C. D. &c. nihil habuit in Reuerfione eorundem tenentor pertinentijs, tempore leuacionis notæ pred, Et hoc paratus est verificare, vnde petit &c. *vi supra.*

Et predictus C. D. dicit, quod predict' A. B. tempore leuacionis notæ predictæ, scz. in octabis Sancti Hillari &c. requirit tenementa predicta cum pertinentijs ad terminum vite sue, Reuerfione inde post eius mortem præf. M. N. qui recogn' &c. et heres suis spectant, prout per notam predictæ supponitur, Et hoc petit quod inquiratur per parat. Et

Expredictus A.B. similiter. Ideo r. &c.

But if the tenant claime an estate Tails by devise, thus :

Quibus lectis & auditis &c. idem A.B. dicit qd ipse, virtute notæ illius, se præfat C.D. de tētis p̄dict' attornare non debet, quia dicit, qd antequam pred' M.N. aliquid habuit in tētis p̄dictis cum pertinētijs, quidam I.E. fuit seifitus de tētis p̄dict' in dñico suo vt de feodo, quod q̄ eadem tēta cum pertiñ tenentur, & tempore leuationis notæ p̄dictæ tenebantur de W.S. in focagio per fidelitatem ei &c. idemque I. sic inde seifitus existens, primo die Maij vltim' p̄terito condidit testam' & vltimam voluntatem suam in scriptis, & per eadem legauit præfat A. B. tēta p̄dict' per noīa &c. habent' sibi et hered' de corpore suo legitime, p̄creat' : Et postea ibi obijt, post cuius mortem p̄dict' A. B. in tēta p̄dict' cum pertiñ intrauit, & fuit inde seifitus in dominico suo vt de feodo talliato, viz. sibi et hered' per formam statui et vltim' voluntatis p̄dictæ. Et hoc &c. vnde &c.

Devise in taile

Et predictus C.D. dicit, quod ipse, per aliqua preallegata ab attornamento p̄dict' A.B. virtute notæ p̄dictæ, p̄cludi non debet, quia dicit quod bene et verum est, quod p̄dict' I. E. fuit seifitus vt supra, put in breui p̄dict' superius allegatur : Sed idem C. D. dicit qd idē I.E. per idem testamentum & vltimam voluntatem suam, inter alia legauit tenementa p̄dict' cum pertinentijs &c. per nomina p̄dict', p̄fat A.B. p̄ termino vitæ suæ, Et postea idem I.E. obijt, post cuius quidē I.E. mortē idē A.B. in tenementa p̄dict' cū pertinentijs intrauit, & fuit inde seifitus in dominico suo vt de libero tenemento per formam testamenti & vltimæ voluntatis p̄dictæ, Absque hoc, quod idem I.E. per testament' & vltimam voluntatem suam p̄dict' legauit præfato A.B. &c. vt supra, prout p̄dict' A.B. superius allegauit. Et hoc &c. vnde &c. Et p̄dict' A.B. vt prius dicit &c. (vt supra in breui) prout ipse superius allegauit. Et de hoc &c.

The tenant may attorne for parcel excepting the rest, and pleade thereunto.

Et modo ad hunc diem hic in curia venit, tam predictus E. I. per W. W. Attornatum suum, quam p̄dict' I.E. in propria persona sua, et sup hoc p̄dict' E.I. per attornatum suum pred' petijt, quod p̄d I.E. ei inde attornet &c. Et p̄dict' I.E. petit auditum brevis p̄dictæ, et ei legitur &c. Petit etiam auditum notæ finis vnde b̄re p̄dictæ emanauit, & ei legitur in hæc verba : Inter R. querentem, & P. deforciant' &c. rehear sing the whole note. Quibus lectis & auditis, idem I. E. quoad tēnt p̄dicta exceptis decem acris in D. inde parcel', dicit quod ipse parat' est p̄fato R. inde attornare, Et se ei in curia hic attorn' de tētis p̄dictis, exceptis pred' decem acris terre, Et cogn' &c. & fecit fidelitatem &c. Et quoad pred' decem acras terre in D. idem I.E. dicit quod ipse, tem-

Attornment
for part and
plea to the
rest.

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pore leuationis notæ prædictæ finis seifitus de eisdem x. acris terre. cum pñ in dñico suo vt de feodo. absque hoc quod ipse pñ tempore leuationis notæ prædictæ eisdem x. acris terra cum pertin. tenuit p. termino vite cā. tum put. &c. Ideo finis inde ingrossetur. Dyer fol. 212. p. 35. 4. Eliz.

And when the tenant doth attorne, the note of the fine is to be deliuered to the Cotographer: And then it must be written vpon the back side of the same note ouerthwart, these words.

Infrascript A. B. attornauit se infrascript C. D. virtute huius notæ, prout patet Trin' 39. Eliz. Roſ 9.

Attorney in Quid iuris clamat.

Sec. 165.

Vpon such a plea pleaded, that the tenant may soſſeite his estate, hee may make an attorne, 21. E. 3. 48.

Or if the tenant suggest in Chancerie, that he will please so as his soſſeite his estate, he may make attorne by Ded. pot. in soyme following.

Jacob' dei gratia &c. dilecto & fideli suo Fr. B. &c. cum bre nrostrum de conuenc' pendeat corā vobis & locijs vris Iusticiarijs nostris de Banco, inter R. et P. de cētū ac' &c. quas I. tenet ad vitā suā de prefato Bad finem inde inter prefatos R. & P. secundū legem & consuetudinē regni nri Angl' leuand', p q' vic' nro Ebor' breue nrostrū mandauim', q' venire fac' corā pñs Iusticiarijs nris, pñ I. ad diem in breui illo contentū, ad cognoscend' quid iuris clamat habere in ea pñ, Et ex pre dicti L. datum est nobis intelligi, q' ipse sup finem pñ attornare nō debet, eo q' ante leuationē notæ finis pñ, quidam S. exultē seifit' de tra illa in dñico suo vt de feod', illam dedit pñ I. & hered' de corpore suo, Et ipse ad diem sibi datū in banco pñ materiā illā ad bre pñ placitabit, Et tamen adeo impotentes est & senio confectus, q' vsq; bancū pñ ad diē sibi datū, absq; maximo corporis sui periculo, laborare nō sufficit ad placitū placitū illud, nos statui eiusdem I. compatiētes in hac pre, dedim' vobis potestatem recipiend' attornat', quem corā vobis in loco suo attornare voluerit in hac parte, ad lucrandū vel perdendum, Et ideo vobis mandam', q' ad pñ I. personaliter accedent', attornat', quem loco suo attornare voluerit in hac parte, recipiatis, & de nomine eiusdem attornati, nobis in cancellaria nostra, sub sigillo vestro, d. hñctē et apertē constare faciatis, remittentes nobis hoc breue. Teste meipso &c.

The returne of the same.

I. ponit loco suo A. B. attornatum suum versus R. in placito in quid iuris clamat, ad lucrandum vel perdendum.

An attornment by Dedimus potestatem.

And as the tenant may make an attorne by Dedimus potestatem, so he may attorne, The soyme whereof followeth:

Rex

Rex dilecto & fideli suo I. & M. salutem. Cum breue nostrum de cō-
uentione pendeat coram vobis et socijs vestris iusticiarijs nostris de Ban-
co, inter R. & P. de centum acris &c. quas I. tener ad vitam suam de
plato P. ad finem inde inter prefatos R. & P. secundum legem et con-
suetudinē regni nri Angl' leuand, per q̄ vicecomiti nro Noi. ff. p bre-
ue nostrum mandauimus, q̄ venire faciat coram prefatis iusticiarijs nris
pdictam I. ad diem in breui illo contentum, ad cognoscendū quid iuris
clamat habere in terra pdicta, ac p̄f. I. adeo impotens sui existat, q̄ vs-
que bancū p̄dictū ad diem sibi datum, absq; maximo corporis sui pe-
nulo laborare non sufficit, ad cognoscendū quid iuris clamat habere in
terra pdicta: Nos statui ipsius I. compatiētes in hac parte: dedim⁹ vo-
bis potestatem recipiendi cognitionem, et testificandi atturamentū, q̄
p̄f. I. coram vobis facere voluerit in hac parte: Et ideo vobis mandam⁹,
q̄ ad p̄f. I. personaliter accedentes, cognitionem quā corā vobis in hac
parte facere voluerit, recipiatis: Et cum eam receperitis, et ipse coram
vobis, p̄t moris est, se atturauerit, p̄d socios vestros de cognitione
p̄d distincte & aperte certificetis, p̄d atturamentū testificantes, vt fi-
nis ille inter partes p̄d, de terra p̄d, coram vobis & socijs vestris p̄-
dictis, in banco p̄d. I. leuari possit, secundum legem et consuetudinem
supradictas. Et habeatis &c.

After issue joined, the tenant may be essoined thus:

Ebof. A. A. B. vers. C. D. in placito quid iuris clamat in vno messua-
gio &c. vnde Iur. p. W. C. in quindena Hill' &c.

If the issue be found with the p̄f. the iudgement is in this forme:

Et super hoc, visis premisis, & p̄ iusticiarios plenius intellectis, con-
siderat est, q̄ p̄d C. D. p̄ seisinā, de ten' p̄dictā cum ptinentijs, vers⁹
p̄f. A. B. occasione clām & placiti p̄d forisfact' habend' (si voluerit)
p̄sequatur, ac etiam, quod finis p̄dict' si voluerit, ingrossetur, & p̄dict'
A. B. in misericordia &c.

But attornments entered vpon Record, before the parties men-
tioned to attorn do first appeare in Court in person, or by atturney, war-
ranted by the hand of one of the Justices of the one Bench or of the other,
or one Justice of assise vpon a writ of Quid iuris clamat: quem reddit'
redd, or per quā seruicia, as the case requirerh, is void without writ of
error, 2. Eliz. ca. 2.

Upon which iudgement the cognisee may haue execution by habe-
re facias seisinam in this forme:

Rex, vic' Ebof salutem: Sciatis quod, cum C. D. in curia nra coram
iusticiarijs nris apud W. per considerationem eiusd' curie, recuperauit
seisinā suā vers⁹ A. B. de vno messuagio cum pertin' nris I. q̄ M. N.
in eadem curia concessit prefato C. D. per finem inde inter eos factū,
ideo tibi precipimus, quod eidem C. D. plenariam seisinā de messuagio
G. iij.

p̄dicto

Fines and Concords.

prædict' cum pertinen' sine dilacione habere facias, & quid inde feceris, scire facias prefatis Iusticiarijs nostris apud W. in Octabis S. Martini, & habeas ibi hoc breue T. &c.

Distingas ad attornand'.

And upon the iudgement to attorne, both issue a Distingas ad attornand', after this manner.

Jacob' dei gra &c. vic' E. salutem. Præ tibi quod distingas A. B. per omnes terras &c. Ita quod sit coram Iustic' nostris de banco ad attornand' C. D. in placito de quid iuris clamat in vno mess. cum pertinen' in L. quod M. N. in curia nostra &c. concess. prefato C. D. p. finem inde inter eos factum. Et vnde consideratum est in eadem curia, qd prædict' A. B. se prefatis C. D. inde attorn. Et habeas ibi hoc breue. Teste &c.

Quem redd' reddit.

Sect. 166.

Definition.

Writ.

Having thus perused the writ of Quid iuris clamat in euerie circumstance, we are now in like manner to peruse the writ of Quem redd' reddit.

The writ of Quem redd' reddit, is a writ iudicial, and issueth out of the note of the fine against the tenant of the land, to compel him to attorne to the Cognisee, upon the graunt of a rent charge, or rent seche issuing out of the land, Nat. b. fo. 170. b. The forme wherof is such.

Jacobus Dei gratia &c. Vic' E. salutem. Præc' tibi, quod venire fac' hic a die S. Mich. in quindecim dies E. F. ad cognoscend' quæ reddit' reddere consuevit, exen' de vno messuag' cum prin' in E. quæ A. B. in curia nostra coram Iusticiarijs nostris de banco concessit C. D. p. finem inde inter eos fact'. Et habeas ibi hoc breue. Teste &c.

If upon this writ, the defendant appeare not, a Distingas goeth forth in this forme:

Rex vic' Ebor' salutem. Præc' ibi qd distingas E. F. pomnes fras &c. Et qd de exit eorundem respond', & habeas corpus eius hic &c. in octab. S. Mich. proximo futuro: Ad cognoscend' quæ reddit' &c. exen' de vno messuagio cum pertin' in L. qd A. B. in curia nra &c. concessit C. D. p. finem inde inter eos fact', & ad audiend' iudicium suum inde de pluribus defaultis. Et habeas &c.

At which day, if the tenant appeare, the entry may be in this form: E. F. in mia pro plurib' defaultis &c.

Præ fuit vic' E. quod distingeret prædict' E. F. &c. ut in alijs breuihus de distring. supra. Et modo hic ad hunc diem venit tam prædictus C. D. per W. W. Attornat suum, quam prædict' E. F. in propria persona sua. Et prædict' C. D. p. quod prædict' A. B. se ei de redditu prædict' attornet &c. Et prædictus E. F. petit audiri brevis prædict' & ei legitur.

Petit.

Peritorem audit note finis unde idem breue emanauit, & ei legitur in hæc verba. Inter C.D. quer &c. reciting the note in Latin &c.

In which case if the tenant attorne, the entry shall be, as in a *Quid iuris clamat*, and so shall the iudgment and execution be also *Mutatis mutandis*. But that attornement must be in Court, 9.H.6.21.8.H.6.15. Attornement entred.

If this writ be against diuers defendants, and some appere & some make default, these, which appere, shall not attorne without the rest, untill they appere, and after make default, 8.H.6.15. Diuers tenants

If the tenant once appere, and after make default, a Distring' ad Default, returnand' shall be awarded, 9.H.6.21.8.H.6.15.

Cognisee of a rent charge, or rents for years, shall not haue attornement, Quere, Dyer fol. 140. pl. 37. & 38.

The tenant cannot pleade by Atturney, but ex consensu querentis, Atturney. 1.H.7.27.

In *Quem redd' reddit*, the tenant appering, is to demand what the plaintife hath to shew for the rent, and then he must shew the com'mencement thereof, and his title thereunto, which the plaintife may answer, 31.H.6.8.36.H.6.

In *Quem redd' reddit*, if the tenant will disclaime, he may pleade that he was not tenant of the land the day of the note leuied: for this writ lieth against none but him, which is then tenant, 8.H.6.15. Disclaimer,

I write thus briefly of this writ, because it so much resembleth a *Quid iuris clamat*.

Per que seruicia.

PER que seruicia is a Iudicall writ, issuing from the note of a fine, and lieth for the Cognisee of a manor, seigniorie, chiefe rent, or other seruices, to compell him that is tenant of the land at the time of the note of the fine leuied, to attorne unto him, 43.Edw.3.8.H.6.17.. Sect. 167.
Plow. 46.b. which is made thus.

Rex &c. Vic' K. salutem. Præcipimus tibi, quod venire facias coram Iusticiarijs nostris apud W. in crastin &c. S.F.R.L. &c. ad L. &c. The writ, ad cognoscend' per que seruicia tenent tenementa sua cum pertin in B. que seruicia E. L. in Cur' nostr' corâ Iustic' nris apud W. concessit W. B. per finem ibi inde inter eos factum. Et habeas ibi hoc breue. Teste &c.

If the Lord graunt the seruices of his tenant by fine, or otherwise, the Lord befoze attornement shall haue such things, as lie in prender: as the wards of the heire & of the land, escheats &c. But not such things as lie in render: as, rents, and relief, heriots, and other seruices, for he cannot auoid for them befoze the attornement.

If a man grant the seruices of his tenant for life, this writ lieth, Bf Sur graunt for life.

Per que seruicia 13.

Fines and Concords.

If services be granted to J. S. for life, the reversion to R. S. and J. S. die before attornment, he in reversion shall have Per que servitia, 20. H. 6. 7.

¶ Per que servitia, he brought against divers, of which some only appeare, they are compellable to attorne, 21. Ed. 3. 48. T. 31. E. 3.

Upon whose alienations the tenant is not compellable to attorne.

Sect. 168
T. in taile.

If tenant in taile of services leuie a fine thereof, the tenant of the land is not compellable to attorne, 48. E. 3. 23. Because that if the Cognitor die, the tenant is subject to the distress both of the Cognitor and of the issue in taile, 24. E. 3. 25. 43. E. 3. Neuertheless upon a fine with proclamation in such case, which barreth the issue in taile, the tenant seemeth compellable to attorne.

Cognitor neuer seised.

If a fine be leuied by him which was neuer seised of the services, the tenant is not compellable to attorne, H. 6. E. 2.

To a particular tenant.

If the tenant for life, or any other particular tenant of services, which haue them not in fee, leuie a fine thereof, the tenant is not compellable to attorne, 12. in North. 3. E. 3.

Jointenancy.

If one joint tenant of a seigniorie grant &c. the tenant is not compellable to attorne, 9. E. 2.

Against whom a Per que servitia lieth, and whom not.

Sect. 169.
Terre tenant

It lieth against him only that is tenant of the land at the time of the note of the fine leuied, 8. H. 6. 17. 18. E. 4. 10. And therefore must not varie from the fine, 18. E. 4. 10. 25. E. 3. 35. E. 3. 50.

Therefore it seemeth that if he, which is tenant at the leuying of the note die, or alien before attornment had, yet neither his heir nor the alienee is compellable to attorne, H. 6. E. 3. 56. 18. E. 4. 25. E. 3. 50. yet this attornment is good, Ibid. M. 31. E. 3.

A Recluse.

A Recluse is compellable to attorne, 43. E. 3. And an infat 26. E. 3. 62. And a man only dumb, by writing or signes, 26. E. 3. 62.

Mute.
Deafe.
Madnesse.

But a man surde & mute, is not compellable to attorne, 26. E. 3. 62.

For a man non sane memorie, as a madman, a lunatique, an idiot, 26. E. 3. 62.

T. by curtesie.
Late feoffment.

For a tenant by curtesie for the feebleness of his estate, 9. E. 3. 31.

He that is infeffed by the Lord post lat. Quia emptores &c. is not compellable to attorne, for he holdeth of the Lord per amouit, 39. E. 3. 19

Quartie.

The writ of Per que servitia, ought to shew the quantie of the tenancy, H. 14. E. 3. for it is trauesable, T. 20. E. 3. H. 10. H. 6.

Countie.

All persons that may be Cognitees, may haue this writ.

Per que servitia, ought to bee in the Countie, where the fine is knowledged, albeit the man may be in one Countie, and the services in another Countie.

Countie 21.E.3.18.

Nonfuit in this action is not peremptorie, 24.E.3.25. nor the death of the Cognisor after the note leued. Nonfuit.

Per que seruicia lieth a yere or moze after the note leued, 29.E.3.46 Time.

After peremptorie issue ioined, the tenant in Per que seruicia, may make Attorney, for if the issue bee tried against him, it doth constitute attornment, and then he may be distrained befoze attornment, Attorney.

48.E.3.24.39.E.3.26.

Noncure the day of the note leued, is a good bar in Per que seruicia, 8.H.6.17.21.H.4.72. Noncure.

It is also a good plea; that befoze the note leued, the Cognisor granted the seruices to another, and that he therupon did attorn, 9.E.3.31 Former grant.

The tenant in Per que seruicia, cannot disclaime, but may plead Noncure, vt supra, 1.H.4.72. Disclaime.

After iudgement proccesse is Distringas ad attornandum, 4.E.3.2.E.3.9.5.E.4.2. Processus post iudicium.

If the mesne leuy a fine of his mesnaltie, to A. for life, the Remainder to B. in fee, B. bringeth a Per que seruicia; the tenant attorneth, saving his acquitall, yet shall not be in the remainder a yow, befoze he also acknowledge the acquitalls, 18.E.4.7. Attornement with an exception.

But a feme couert cannot confesse acquitall in Per que seruicia, because she is not examinable in this suit, 9.E.2.45.E.3. Feme couert. Acquitall.

And the tenant may attorne saving Acquitall and warrantie according to a deed thereof. M.15.E.3.5.H.5.E.3. Itinere North.

A man may graunt seruices, befoze he haue seisin thereof in fait, H.6.E.3. Fitz. Per que seruicia 22. Seisin.

It seemeth vpon the grant of a Mannor cum pertinentiis, the seruices passe without attornment, as parcel of the Mannor, and that the Lord may arow without attornment, 26.H.6.Fitz. Per que seruicia 21. A Manor.

If the tenant in Per que seruicia, appeare & confesse the action at the Distringas ad attornandum after iudgement, & wil not attorne, he is punishable by imprisonment, or fine, at the discretion of the Court, as it seemeth, 3.E.3. Itin North. Fitz. per que seruicia 17. Fine. Imprisonment.

Coparceners, Jointenants, & tenants in common, may not fourch by effoine, to effoine severally, but haue onely one effoine, as one sole tenant might haue, W.1.cap.43.3.E.1. Rast' effoine 4. Effoine.

Of the ingrossing of Fines.

When the note of the fine is made with the Custos breuium, if it bee of lands in possession, or when attornment is made, if it be of a reuerf, remainder, rents, or seruices, then may it be ingrossed by the Chirographer. Sect. 170.

And

Fines and Concords.

Ingrofſing.

And the ingroſſing of a fine, is nothing elſe but the entering of the concord thereof with the Chirographer, and the writing and deliv-
rie of the indentures thereof, Fitz.nat. 147.a.5.H.4.cap.14. which be
called the Chirographie of the fine, & is made in ſome following, viz.

Fine en taile
de reuerſion
de rent.

Hæc eſt finalis concordia, facta in curia dñi Reg. apud Weſtm, à die
Paſch. in 15. dies An regni Jac. &c. 3. coram Edmundo Anderſon, T.
Walmsley, R.O. & R.B. Juſtic' dñi Reg. & alijs fidelibus tunc ibi pſen-
tibus, inter A.B. queſ & L.C. deforc, de decẽ mercat reddiſ cum pertiñ
in B. quem P. de A. tenet ad terminum vite, vnde placitum conven-
tionis ſumñ fuit inter eos in ead cur, ſcz. quod pred L. conceſſit pro ſe &
hered' ſuis, quod pred redd' cum pertiñ quem pred' P. tenuit ad ter-
minum vite ex dimiſſione pred L. in pred vil' die quo hæc concordia
facta fuit, et qui poſt deceſſum ipſius P. ad pred L. & heredes ſuos de-
buit reuerti, poſt deceſſum ipſius P. integre remaneant pred' A. & he-
red' de corpore ſuo procreat, tenend' de capital' dominis feodi illius
per ſeruitia quæ ad pred redd' pertinent imperpetuum, Et ſi contin-
gat, quod idem A. obierit ſine hered' de corpore ſuo procreat, tunc poſt
deceſſum ipſius A. pred redd' cum pertiñ integre remanebit rectis he-
redibus ipſius A. tenend' de capitalibus dominis feodi illius per ſerui-
tia quæ ad pred' redd' pertinent imperpetuum: Et pro hac conceſſione,
fine, & concordia, idem A. dedit pñ L. centum marcas argenti. And ſo
of others according to the diuerſitie of their caſes.

Rem. as heires
de corps.

Rem. as heir
heires.

Of the tabling of fines ingroſſed.

Sect. 172
Tables.

The Chirographer of fines of the cõmon plæs, ſoz ever muſt writ
and make one table ſoz every countie, where his ſpaciſties writ
runneth, containing the contents of every fine, that ſhall paſſe in any
one terme, as the name of the county, towns, & places, wherein the te-
nements mentioned in any fine be, the name of the plaintife and de-
forceant, & of every manoz named in any fine. And the firſt day of the
next terme after thingroſſing of every ſuch fine, ſhall ſire every of the
ſaid tables in ſome open place of the court of Common plæs, and ſo
every day of the ſaid terme during the ſitting of the ſaid Court: and the
ſaid Chirographer ſhall deliver to every ſherife of every County, his
underſherife, oz deputy, ſaies written in parchment, a perfect content
of the table ſo to be made ſoz that ſhire in the terme that ſhall be next
beſore thall ſiſſes to be holden in the ſame county, oz els meane betwix
the terme & the ſaid aſſiſſes to be ſet vp the firſt day & every day of the
next aſſiſſes in ſome open place of the Court, where the Juſtices of ſaies
ſiſſes then ſhall ſit, to continue there ſo long as they ſhall ſit in the ſaid
court: if either the chirographer oz ſherife faile herein, he ſoz ſitteth &c.
and the chirographers ſaies, ſoz every ſuch table is ſig. B. 23. Eliz. cap. 3.

Contents.

Hen

How many proclamations are to be made upon fines, and when.

Four proclamations onely are now to be made vpon every fine in proclamation, that is to say, one in the terme in which the fine is ingrossed, and in every one of the thre termes next ensuing the engrossing thereof one proclamation. 3. Eliz. cap. 2.

Secl. 172

But if any of the same proclamations faile by reason of the adiournment of any of the said termes by writ of adiournement duly made, yet such fine good, and a good fine with proclamations, as if it same had been proclaimed, 1. Mar. cap. 7.

Adiournment.

But if any proclamation be made vpon a Sunday, it is error, but sufficient not dies Iuridicus. Dyer folio 18. pl. 3. in fine. 3. Eliz. cap. 2.

Sundays.

Of the Proclamations of fines at the Assises and generall Sessions, and how they must be certified.

To send better notice of fines may come to them, to whom it appertaineth, it is ordained by the said Statute of 3. Eliz. cap. 2. That the Iudices of the common place shall send a transcript of such fines to the Iudices of Assises in the counties where the land hath been proclaimed openly and solemnly at all the Assises which shall be therein holden, within one yeare after the ingrossing of such fines; And that the like transcript be made to the Iudices of the peace, there to be proclaimed at foure generall Sessions in the said Counties, and both the same proclamations to be made and certified unto the common place the second day of the returne of the terme then next following: and it is to be noted, That while the said fines are read, all pleas must cease. 4. H. 7. cap. 24.

Secl. 173.
Sessions.

Assises.

And where at every such proclamation is thus: After which hath been made an Oyer for silence, saying: Ouerles fines lies as to that effect, the Sheriff or his deputy, readeth the fines thus: Ebor. A Fine with proclamations betweene A. B. plaintife & C. D. deforciant, of tenements in D. &c.

Proclamation.

And the cognisces in fines die, before the ingrossing thereof, no proclamations shall be made, because they had their election to have a fine with proclamations or without, which election is now by their death determined. Dier folio 54. pl. 104. 3. Eliz. Plow. folio 66. b.

Cognisces dead.

Of the inrolment of all the parts of fines after the ingrossing thereof and

By the Statute of 22. Eliz. cap. 6. it is ordained that there shall be one office of inrolment, called an office of inrolment of fines and concords, and the Iudices of the common pleas, for the same being, after the said Statute, shall have estate, care and charge of it.

Secl. 174

Office of inrolment of fines &c.

Fines and Coneords.

the Inrolments aforesaid, see the examinations thereof, & write their names unto the rolles thereof, & haue and enjoy þe said office & the disposition thereof, & carefully see and looke to the execution thereof. And haue for the Inrolment & examination of euerie such fine vi. s. viii. d.

Exemplificati-
on.

And for euerie exemplificatiō of euerie such inrolment of any fine vi. s. for one yeares search. *lit. d.* for euery sheet of paper containing said fines *lit. d.*

Punishment.

And þe iustices of the common place haue power to take order in all things conuenient for the said Inrolments, & vpon examination in þe said court to adesse fines and amerçments vppon persons offending, for their misprouisions, contempts, or negligences for not doing or misdoing of any thing, of in, or, concerning any such fines, as they shall thinke meet and conuenient, 23. Eliz. ca. 3.

Inrolment
of knowleth

And euerie writ of Covenant, and other writ, whereupon any fine is taken, the retitue thereof, the Dedim^r porettare made for þe knowlething thereof, the retitue thereof, the concord, the note, and sort of euerie such fine, the proclamations made thereupon, and þe kings writ vpon the request, or election of any person, may bee inrolled in þe said office. And the inrolments of the same, or of any part thereof, shal be of as good force and validitie in the law, to all intents, for so much of any of the so inrolled, as the same being extant and remaining were or ought by law to be, 23. Eliz. cap. 3.

Sec. 175.

When any of the parts of a fine be inrolled according to þe said statute, the may the same be exemplified, either vnder þe seal of the office, or vnder the great seal of England: But to exemplifie such a fine vnder the great seal hath this discommoditie, that if any errors remaينه in the recoꝝd of the same fine, they be not amendable after exemplification thereof, 23. Eliz. cap. 3. but it seemeth this extendeth onely to fines leuied before the same statute of 23. Eliz. cap. 3.

These inrolments and exemplifications seeme very necessary, because that the puiuite and warrant of the said court, many errors happening in the former recoꝝds thereof may be amended, and these Inrolments will suffice, if the former recoꝝd thereof or any part thereof, be imbeselled or otherwise defaced, 23. Eliz. cap. 3.

The exemplification of a fine inrolled according to the statute of 23. Eliz. cap. 3.

Elizabeth dei gratia &c. Omnibus, ad quos presentes literæ peruenirint, salutem. Scias, quod inter Irrotulamenta breuium & aliorum dependens pro finibus secundum formam statuti, decernimus Pacha. apud W. Anno regni nostri 29. rotulo 7. continetur sic, *lit. d.* *lit. d.* Dei gratia Angliæ, Franciæ, & Hiberniæ, Regina, fidei defensor &c.

vic

vic' Essex, salutem. Precipe E.W. armig' & I. uxori eius, quod iuste & sine dilatione teneant I.W. & I. S. conventionem inter eos factam, de duobus messuagijs, duobus gardinis, duobus pomar, xx. ac' terræ, xx. acris prati, xl. acris pastur, & C. acris iampnorum & brueræ, cum p'nt' in B. & W. Et nisi fecerint, et p'd I. & I. fecerint tefecurum de clam' suo prof. tunc sum'm p' bonos sum'm p'dictos E. & I. quod sint coram Iusticiarijs nostris apud Westm' in O'tabis sancti Michaelis, ostensuri, quare non fecerint, Et habeas ibi sum'm, & hoc breue. T. meipsa apud Westm' 17. dei Septembris, Ann' regni Reg. nunc 40. * Pleg' de prof. Iohan. Doo, Richardus Roo, * Sum'm Iohannes Den, Richardus Fen. * Georgius T. af. vic' fl. * I.W. dac dom'm Reg. sex solidos & octo denarios pro licen' concord' cum E.W. armig' & I. uxore eius de placito conuencionis de duobus messuagijs, duobus gardinis, duobus pomarijs, 20. acris terræ, 20. acris prati 40. acris pastur, & centu' ac' iampnorum & brueræ cum p'nt' in B. & W. Et habet C'ir' per pacem admitt'. * Coram R. H. vno Iustic' domini Reg. de banco Iustic' in patria fl. * Elizabeth dei gratia Angliæ, Franciæ, & Hibern' Reg. fidei defensor &c. dilecto et fidei suo R. H. vni Iustic' suorum de Banco, Salutem. Cum breue nostrum de conuenc' pendeat coram vobis & socijs vestris Iustic' nostris de banco, inter I.W. & I. S. E. W. arm. & I. uxorem eius, de duobus messuagijs, duobus gardinis, duobus pomarijs, 20. acris terræ, 20. acris prati, in B. & W. in comitat' Essex, ad finem inde inter eos coram vobis & socijs vestris predictis in banco predicto steum dum legē & consuetudinē Regni nri Angl' iudic' Ac iisdem B. & I. adeo impotentes sui existunt, quod absque maximo corporum suorum periculo vsque Westm' ad diem in breui predicto cont'nt, ad cognitiones, quæ in hac parte requirunt' faciend' laborare non sufficiunt, vt accepimus: Nos statui eorundem E. & I. compatiētos in hac parte, dedimus vobis potestatem recipiend' recognitiones quas p'ed' E. & I. coram vobis facere voluerint de premissis, Et ideo vobis mandamus quod ad p'f. E. & I. personaliter accidentes, cognitiones suas predictas recipiat: Et cum eas receperitis, p'afatos socios vestros inde sub sigill' vestris distincte & aperte reddatis certiores, vt tunc finis ille inter partes predictas de premissis, coram vobis et socijs vestris predictis in banco predicto leuari possit, secundum legem & consuetudinem supradictas. Et habeatis ibi tunc hoc breue. T. meipsa apud Westm' xvij. die Septembris Anno regni nostri 40. * Respons. infranominat' R. H. ad hoc breue. Execuc' illius brevis patet in quadam scedula huius breui annex'. * Et est concordia talis, scilicet, quod B. & I. nominat' in breui huius scedul' annex', recogn' ten' in dicto breui specific' cum pertinentijs, esse ius I.W. in eodem breui nominat', veill' quæ ijdem I. & I. S. in dicto breui nominat' habeant de dono p'dicto E. & I.

Et si remissio se quis voluit de se et heredibus suis per se & I. & heredibus suis
 I. W. in perpetuum. Et preterea iudex E. & I. concessit pro se & heredibus suis
 I. quod ipsi warrant tenementa predicta cum pertinentiis prefatis I. & I.
 & heredibus suis I. W. contra omnes homines imperpetuum. Et pro hac
 & idem I. W. & I. S. concessit tenementa predicta cum pertinentiis
 prefatis E. & I. * Et illi eis reddiderunt in eadem Curia Habend. & tenend.
 eisdem E. & I. heredes de corpore ipsius E. per predictam I. legitime pro-
 creat, & pro defectu talis exitus, tenementa predicta cum perti., integre
 reman. pref. I. & hered. de corpore ipsius I. legitime procreat, & pro
 defectu talis exitus, tenementa predicta cum perti., integre reman. re-
 ctis heredibus suis I. imperpetuum. Tenend. & C. R. H. II. * Hec est fin-
 lis concordia facta in curia Domini Regine apud Westm. in Octabis
 sancti Michaelis Anno regni Elizabeth, Dei gratia, Angliæ, Franciæ,
 & Hyberniæ Regine, fidei defensor. &c. à conquestu decimo, coram I. D.
 R. W. I. W. & R. H. Iustic. & alijs domini Reg. fidelibus tunc ibi presen-
 tibus, Int. I. W. & I. S. quer. & E. W. artu., & I. vxor. eius defore de z.
 mess. h. gard. & poss. a d. act. prati 40s. acris pastus, & C. acris iampot.
 & h. ier. cum pertinentijs in B. & W. unde placitum conuene. summi
 iur. inter eos in ead. cur. sc. quod pred. E. & I. recogn. pred. tenementa
 cum perti., esse ius ipsius I. W. ut ill. que iudex I. & I. S. habeant de
 dono pred. E. & I. Et ill. remis. & quiet. clam. de ipsis E. & I. & hered.
 suis, pred. I. & I. & hered. ipsius I. W. imperpetuum. Et preterea iudex
 E. & I. concessit pro se & heredibus suis I. quod ipsi warrant per se & I. & he-
 redibus suis I. MA. pred. tenementa cum perti. contra omnes homines
 imperpetuum. Et pro hac recogn., remissione, quiet. clam., warrant. sine
 et concordia, iudex I. & I. concessit predictis E. & I. predicta rem. cum
 pertinent. Et ill. eis reddiderunt in eadem Curia, Habend. & tenend. eisdem
 E. & I. & hered. de corpore ipsius E. per predictam I. legitime pro-
 creat, de capitalibus dominis feod. ill. per seruic., que ad pred. tenem.
 pertinent, imperpetuum. Et si contingat quod iudex E. & I. obier. sine
 hered. de corpore ipsius E. per pred. I. legitime procreat, tunc post de-
 cessum ipsos E. & I. predict. tenementa cum perti. integre reman. he-
 red. de corpore ipsius I. legitime procreat, Tenend. de capitalibus do-
 minis feod. ill. per seruic., que ad pred. tenementa pertinent, imperpetuum.
 Et si nullus heres de corpore ipsius I. fuerit legitime procreat, tunc pre-
 dicta tenem. cum pertinentijs integre remaneb. rectis heredibus suis E.
 Tenend. de capitalibus dominis feod. ill. per seruic. que ad pred. tenemen-
 ta pertinent, imperpetuum, secund. form. statut. * Prius proclam. facta
 fuit 22. die Nouemb. termin. sancti Michael. Anno vndecimo Reg.
 insser. Secunda proclam. xxviij. die Nouemb. eodem termino. Ter-
 tia proclam. xxvj. die Nouemb. eod. termin. Quarta proclam. 19. die No-
 uemb. eod. termin. Quinta proclam. facta fuit septimo die Feb. termin. sancti
 Hill.

Anno 11. die 1^a Regis infracl^t. Sexta procl^a 9. die Feb^r eod^e ter^m.
Septima procl^a 10. die Feb^r eod^e ter^m. Octava procl^a 11. die Feb^r
eod^e ter^m. Nona procl^a fact^a fuit 14. die Maij ter^m Pasc^e anⁱ 12. Reg. in-
fracl^t. Decima procl^a 17. die M. eod^e ter^m. Vndecim^a procl^a 23. die M.
eod^e ter^m. Duodecim^a procl^a 23. die M. eod^e ter^m. Tertiadecima procl^a
fact^a fuit 22. die Iunij ter^m Sanct^e Trinitat^e anⁱ vndecim^a Reg. infracl^t.
Quartadecim^a procl^a xxv. die Iunij eod^e ter^m. Quintadecim^a procl^a 27.
die Iunij eod^e ter^m. Quæ omnia & singula ad requisitionem W. W. ge-
nerol. tenore p^resentium duximus exemplificand^a. In cuius rei testimo-
nium sigill^a n^{ost}ra ad brevia in banco sigilland^a deputat^a p^resentibus apponi feci-
mus. T. F. W. W. & F. R. Iustic^e de Banco p^redict^a apud Westm^{onasterium} die &c.
Anno Reg. nunc xx. &c.

W. P. & R.

How Fines executorie be executed.

The execution of a fine, is the obtaining of actuall possession of the Sec^t. 176
things contained in the same, by vertue thereof, and it is either
by entrie into the lands, or by writ.

By entrie into the landes, as if vpon a fine sur cognizance de droit
come ceo q^{ue} il ad de son done, If the cogniz^{ance} remaine still in possessi^{on},
and the cognizee by vertue of such fine enter vpon him, as he lawfully
may, without any writ of habere fac^{ere} seisin^{em}, because such fine is execu-
ted. 4. E. 3. 14. 42. E. 3. 5. And if a fine be leuied to the husband & wife
in speciall taile, the rest to the heires of the body of the husband, and
the wife death without issue, the remainder is executed in possession
in the husband, for the estate taile meeteth with the seynhold, and draw-
eth it. 7. H. 4. 23.

Execution of Fines by writ.

Execution of Fines by writ, is either by Habere facias seisinam, or Sec^t. 177.
by Scire facias.

A writ of Habere facias seisinam, in this case is a writ iudiciall, issu-
ing out of the Record of a fine executo^{ry}, directed to the Sherife of the
County where the land lieth, commanding him to giue the cognizee
or his heirs seisin of the land, whereof the fine is leuied, And this writ
lieth within the yere, after the fine, or iudgement vpon a Scire faci-
as, and may be made in these formes:

Re^{uerend} vi^{re} &c. P^{re}cipimus tibi, q^{uod} sine dilatione habere facias B. K.
seisinam suam de vno messuag^{io} cū p^{ar}tinent in N. quod A. T. in cur^{ia} nostra
&c. reddidit p^{re}dict^o B. per finem inde inter eos fact^a secundū Teste &c.

Dioc^{esis} &c. de visu &c. Et quia nec E. nec R. & A. vxor eius ali-
qua &c. ad cognoscend^a si tempore leuacionis cuiusdam finis leuati in

Venire facias
en Scire fa-
cias sur fine
sur adue si les
curia

H. j.

Fines and Concords.

parties fueront
seisic al temps
del fine leuie
&c.

Concess. & re-
cordat.

Fine de rent.

curia domini E. nuper Regis &c. apud Westm in crastin &c. anno &c.
coram R. B. & socijs suis tunc Iusticiarijs ipsius nuper Reg' de banco,
Et postea in crastin animarū &c. anno &c. ibidem concess. & recordat
coram eisdem nuper Iusticiarijs & alijs eiusdem nuper regis fidelibus, tūc
ibi presentibus, inter T. K. & R. F. querens, & I. B. & I. vxor eius de-
fore', de quatuor solidis redditus cum pertinentijs in S. vnde predict'
G. in curia nostra &c. petit executionem versus prefat R. et A. virtute
finis predict', ac de alijs tenementis & redditibus in eodem fine conten-
tis, predict' T. K. & R. & predict' I. B. & I. qui fuerunt partes fini illi, fue-
runt seisis de predictis quatuor solidis redditus cum pertinentijs, prout
per eundem finem supponit, per quod predict' E. executionem præ-
dict' quatuor solid' redditus cum pertinentijs versus prefatos R. & A.
virtute finis predict' habere debeat, sicut idem E. dic' vel non, uno nec
predict' T. K. & R. nec predicti I. B. & I. qui fuerunt partes fini predi-
cto, tempore leuationis eiusdem finis aliquid habuer' in predict' quatu-
or solid' redditus cum pertinentijs, nec in mesuag', vnde supponit red-
ditum illum prouenire, per quod predict' E. ab executione predict'
quatuor solid' redditus cum pertinentijs versus prefatos R. & A. virtus
finis predict' habend' excludi debeat, sicut idem R. & A. dicunt, quia
tam &c.

Habere facias
seisinā sur rec'
en seire fac'
hors de fine
per confession

Scias, quod est conf. in curia nostra, quod W. L. & alij &c. habent
executionem versus W. T. de decem acris terre cum pertinentijs in D.
virtute cuiusdam finis inde leuati in curia domini E. nuper Regis &c. a-
pud W. à die &c. anno &c. coram R. B. & socijs suis tunc Iusticiarijs e-
iusdem progenitor' nostri de Banco, inter I. G. iuniorem & W. G. que-
rentes, & E. P. & M. vxor' eius defore', de predictis decem acris ter-
ræ cum pertinentijs, ac de alijs terris & tenementis in eodem fine con-
tentis, per cognitionem predict' W. T. actionis predict' W. L. & al',
& ideo tibi precipimus, quod eisdem W. L. & al', de predictis de-
cem acris terræ cum pertinentijs sine dilatione plenariam seisinam ha-
bere facias &c.

Habere facias
seisinā sur rec'
en seire facias
hors de fine.

Scias qd considerat est in cur' nost' &c. quod T. B. consang' & heres
W. fratris P. filij W. & M. vxoris eius, h'eat executionem versus R. R.
&c. de 40. ac' bosci cū pertinentijs in B. virt' cuiusdam finis in curia
domini E. nuper Regis &c. apud W. &c. inf' pref. W. & M. querens,
W. de B. & R. fil' W. &c. deforciant &c. de tenentis p'd leuatis per desit
ipforum &c. Et ideo tibi precipimus, quod eidem T. B. de predictis
tenentis cum pertinentijs sine dilatione plenariam seisinam & executioni
habere facias. Teste &c.

Habere facias
seisinā sur rec'
per desit
seire fac' hors
de fine,

Rex vic' salutem Scias, quod consid' est in curia nostra coram Iusticiarijs nostris apud W. quod T. B. consanguin' & heres W. B. habet
executionē vers' R. D. de manerio de A. cū pert'ntijs in consuetudine, vnde
cū

consilium finis leuati in curia dñi E. nuper Reg. Angliæ &c. apud W. 2 die &c. anno &c. coram R. B. & socijs suis tunc Iusticiarijs ipsi nuper Regi de banco. Et postea in octab. &c. anno &c. ibi concessit. & recordat. inter pñatum W. querentem, & A. deforciantem de manerio predicti per defectu ipsius R. Et ideo tibi percipimus, q̄ eidem T. B. de manerio predicto cum pertinentijs sine dilatione plenariam seisinam & executionem habere facias. Teste &c.

Concessit. & recordat.

Scias q̄ considerat est in curia nra &c. q̄ R. M. & R. A. consanguineus & heres. H. de B. & M. vxoris eius, habeant executionem versus I. C. &c. de duabus partibus manerij de Y. cum pertinentijs, virtute cuiusdam finis leuati in curia domini E. nuper Regis &c. apud W. in crastino &c. anno &c. coram T. W. et socijs suis tunc Iusticiarijs &c. de banco, inter H. B. & M. vxor eius querentem, & B. D. & B. vxor eius deforciantem, de predicto manerio cum pertinentijs, ac de Aduocatione Ecclesię eiusdem manerij, p̄out per quandā iurata corā dilectis & fidelibus nris I. T. & W. A. duobus Iust. nris de communi banco, per formā statuti nri inde p̄uisti, die &c. apud R. inde inter eos capte, compertū fuit: Et ideo tibi percipimus, q̄ eidem R. & R. de duabus p̄tibus p̄dictis cum pertinentijs, sine dilatione executionem & plenariam seisinam habere facias. Teste &c.

Habere facias seisinā sur recovery per verdict en Scire facias hors de fine.

Nisi prius.

Of execution, of fines by Scire facias.

A writ of Scire facias upon a fine, lieth in the same case that a writ Sect. 178.
 And Habere facias seisinam doth sauing that it is to be sued a yeare and a day after the fine is leuied, whereby the Sherife is commanded to warne the terre-tenant to appeare, and shew cause of he can, why he Cognise or his heires should not haue execution. At the returne hitherof, if the tenant appeare, and shew no cause to the contrarye, the plaintiffe that haue an Habere facias seisinam, *ut supra*. And the forme of writs Scire facias in like case ensue:

Rex vic salutē. Cum quidam finis leuasset in curia dñi E. filij Regis H. p̄genitoris nri. scz. apud W. in octab. &c. anno regni sui tricesimo quarto, coram R. H. & socijs suis tunc Iusticiarijs ipsius p̄genitoris nri de banco inter G. P. & I. vxor eius querentem, per W. F. posit in loco eorum ad litem vel perdendū, & S. H. deforciantem, de manerio de C. cū pñis, vnde placitum cōuencionis summonitum fuisset inter eos in eadē curia, scz. q̄ predicti G. recogni maneriū p̄dicti cū pñentijs esse i^o ipsi^o S. vt illud quod idem S. habuisset de dono p̄dicti G. Et pro illa recognitione, fine & concordia, idem S. concessisset p̄dicti G. & I. predicti manerium cum pertinentijs, & illud eis reddidit in eadem curia: habendū & tenendū eidem G. & I. & heredibus quos idem G. de corpore ipsius I. p̄creasset de predicto S. & heredib⁹ suis imperpetuum, reddendo inde p̄ annū

Scire facias hors de fine for the heires in taile.

Attorney in fine.

Render to the husband and wife, and to the heires of the husband of

Hij.

vnam

Fines and Concords.

the body of
the wife be-
gotten, ren-
ding rent and
forrein seruice

Remain taile.

vnam Rosam ad fessum &c. p omni seruicio, concess. & aſſione ad p-
dict' S. & hered' suos pertinent, & faciend' inde capitalibus dominiis fe-
odi illius, pro predict' S. & heredibus suis, omnia alia seruicia, quæ ad
manerium illud pertinerent: Ita quod si contingeret, quod pred' G. o-
bierit sine herede de corpore ipsius I. pcreat, tunc post decessum ip-
sorū G. & I. predictum manerium cum pertinentijs integre remaneret
W. fratri eiusdem G. & hered' de corpore suo procreat tenend' de pre-
dict' S. & heredibus suis per predicta seruicia, sicut predictum est, im-
perpetuum. Et si contingeret quod predictus W. obiret sine herede
de corpore suo procreato, tunc post decessum ipsius W. predict' mane-
rium cum pertinentijs integre remanet L. fratri eiusdem W. & hered'
de corpore suo procreat, tenend' de predicto S. & heredibus suis p
predicta seruicia, sicut predictum est, imperpetuum. Et si continge-
ret predict' I. obire sine herede de corpore suo procreat, tunc post de-
cessum ipsius I. predictum manerium cum pertinentijs integre rema-
neret E. fratri eiusdem I. et hered' de corpore suo procreat, tenend' de
predict' S. & heredibus suis per seruicia predicta, sicut predict' est, im-
perpetuum: Et si contingeret quod predictus E. obiret sine herede de cor-
pore suo procreato, tunc post decessum ipsius E. predict' manerium cū
pertinentijs integre reuertatur ad predict' S. et heredes suos, quies de a-
lijs hered' ipsorum G. & I. W. I. & E. tenend' de capitalibus dnis feodi
illius per seruicia, quæ ad illud manerium pertinerent, imperpetuum:
Ac iam ex insinuatione I. L. & M. vxoris eius vnus, ac T. V. & T. vx-
or' eius, alterius, necnon H. B. tertij, confang' & hered' pred' G. & I. de
corporibus suis procreat accepimus, quod predict' G. & I. merui sunt,
Et quod quidam T. L. & R. I. pred' manerium cum prin' modo ingreſ-
si sunt, et illud tenent contra formam finis pred', Et quia volum' ea q̄ in
cur' progenitoris nri acta sunt, debite executioni demandari, tibi p̄opi-
m', q̄ p̄ p̄bos et legales hoīes de ballina tua Scire facias p̄fat' T. L. & R.
q̄ sunt coram Iusticiarijs nostris apud W. in octab. &c. ostensur' si quid
pro se habeant aut dicere sciant, quare pred' manerium cum pertinentijs,
quod ipsi tenent in forma predicta, post mortem p̄dict' G. & I. p̄fat'
M. T. & H. confanguin' & hered' ipsorum G. & I. de corporibus suis p̄-
creat, remanere non debent, iuxta formam finis predicti, si sibi vide-
rit expediri, Et habeas ibi nomina eorum, per quos eis scire fecer', et hoc
breue, Teste &c.

Scire facias
pur le heire de
cestuy in le
rem.

Rex vicecom' salutem: Cū quidā finis leuasset in curia dñi E. nuper
regis Angl' aui nostri, tali die, et anno, coram A. & focijs suis tunc Iust.
eiusdem aui nri de banco, inter W. querentē, & R. deforciantē, de ma-
nerio de T. cum pertinentiis, vnde placitum conuencionis summonitum
fuit inter eos in eadem curia, scilicet quod predict' R. recogn' predict'
manerium cum pertineſſe ius ipsius W. v' illud quod idem W. ha-
buisset

habuisset de dono predicti R. & pro illa recognitione, fine & concordia, idem W. concessisset predicti R. pred' manerium cum pertinentijs, habend' et tenend' eidem R. de predicto W. & heredibus suis masculis de corpore suo procreatis tota vita ipsius R. reddend' inde per annum &c. Et post decessum ipsius R. predictum manerium cum pertinentijs integre reuerat' ad predicti W. & hered' suos, quies de hered' predicti R. tenend' de capitalibus dominis feodi illius, per seruitia, que ad illud manerium pertinerent, imperpetuum, & si contingeret quod predictus R. obiret sine herede masculo de corpore suo procreat', predict' manerium cum pertinentijs integre remaneret T. fratri ipsius W. & heredibus masculis de corpore suo procreat', tenend' de capitalibus dominis feodi illius per seruit' predicti imperpetuum: Ac iam ex insinuatione A. filij & heredis predicti T. accepimus, quod predict' R. iam obiit, & quod predict' W. obiit sine herede masculo de corpore suo procreato, & quod L. vnus messuagium &c. cum pertinent, que fuerunt parcella manerij predict' modo ingressus est, & illa tenet contra formam finis predicti. Et quia volumus ea &c. ostens. si quid pro se habeat aut dicere sciat, quare predictum tenementum cum pertinens, predict' A. filio & heredi predicti T. remanere non debeat, iuxta formam finis predicti, si sibi viderit expedit &c. Et habeas &c.

Réder pur vie
oue reuerter a
luy en taile &
remainder ou-
ster en taile.

Et modo hic ad hunc diem venit tam predictus I. S. per S. attornatum suum, quam predicti W. & A. per F. attornatum suum, & vicecomes mand' quod scire fecerit eisdem W. & A. essendi hic ad hunc diem ostensur' seperatim in forma predicta, per R. & S. probos &c. & super hoc predicti I. dicit, quod ipse est consang' & heres predicti I. & E. videlicet &c. & petit versus predicti W. & A. seperatim executionem in forma predicta &c.

Scire facias
vers several
tenants.
Retur. scire
fecit.
Cousinage al-
lege.

Et tam predicti W. & A. quoad predicta tenementa, vnde executio versus eos secuta est, quam predicti R. & I. quoad predicta tenementa, vnde executio versus eos seperatim petita est, singulatim dicunt quod nec predict' I. nec predict' W. & B. quos per finem predicti supponit' esse partes finis illius, nihil habuer' in tenementis predicti cum pertinet, vnde executio versus W. & A. seperatim petita est, tempore leuat' eiusdem finis, imo quidam I. C. fuit inde seiscitus tempore leuationis finis illius, cuius quid' I. C. statum in tenentis illis, vnde executio versus eos petita est, quam predict' R. & I. seperatim habent in tenementis predicti, vnde executio versus eos singulatim petita est, seperatim petunt iudicium, si predict' I. executionem inde versus eos habere debeat &c. Et predict' I. dicit, quod tempore leuationis finis illius, predict' I. & I. qui fuerunt partes finis illius, fuerunt seisciti de tenentis predicti cum pertinet, vnde executio versus predict' W. & A. seperatim in forma & modo predicti secuta est, prout per finem illum supponitur, et hoc petit &c. Ideo 12. &c.

A barre that
the parties to
the fine had
nothing in the
land at the
time of the
fine, but I.
whose estate
the tenant
hath.

Issue that I.
was seised at
the time of
the fine leuied

H. iij.

Cum

Fines and Concords.

Scire facias
super fine.

Cum quidam finis leuasset in curia domini E. quondam regis Anglię aui nostri, a die Sanctę Trinitatis in quindecim dies, anno &c. coram I. de B. & socijs suis tunc Iusticiarijs ipsius aui nostri itinerantibus apud Ebor, inter Alanum querent, & A. defendē de decem libratīs terrę cum pertinentijs in A. in manerio de L. in comitatu de N. vnde placitum conuentionis summonitum fuisset inter eos in eadem curia, scilicet quod predict' Adam recogn' predict' tenementa cum pertinentijs, vt in dominicijs &c. et omnibus alijs rebus ad predicta tenementa pertinentibus, esse ius ipsius Alani, preterea idem A. dedit & concessit predicto Alano quinque marcas redditus cum pertinentijs in A. in comitatu K. & tota manerium de B. cum pertinentijs in comitatu tuo, vt in dominicijs &c. habendum et tenendum eidem Alano & vxori eius, & heredibus de corporibus ipsorum Alani & E. pcreat, de capitalibus dñis feodorum illorum imperpetuum, faciend' inde omnia seruitia, quę ad predict' tenement' pertinerent, & predictus A. & heredes sui war' eisdem Alano & E. et heredibus suis predictis, omnia predict' tenementa cum pertinentijs, per predict' seruitia contra omnes gentes imperpetuum, et si contingerit quod predict' A. & E. obirent sine herede de corporibus ipsorum Alani & E. proct, de capitalibus dominis feodorum illorum imperpetuū faciend' inde omnia seruitia quę ad predict' tenementa pertinent: & predict' A. & heredes sui war' eisdem Alano & E. & heredibus suis pred' omnia pred' tenementa cum pertinentijs per predict' seruitia contra omnes gentes imperpetuum, & si contingeret quod predicti A. & E. obirent sine herede de corporibus ipsorum Alani & E. procreat, post decessum ipsos Alani & E. p'd tenementa cum pertinentijs ad p'fatū Adam & heredes suos integre reuenterentur quita de alijs heredibus ipsorum A. & E. imp'petuū: Ac iam ex insinuatione Anthonij de L. & I. consanguineorum & hered' predict' Adę accepimus, quod predict' Alanus & E. iam obierunt, & quod Iohannes filius & heres eorundem Alani & E. obiit sine hered' de corpore suo pcreato, et etiam Wilhelmus filius predict' Alani & E. & frater & heres predict' Iohannis iam obiit sine herede de corpore suo pcreato, & quod quedam Iohanna, quę fuit vxor Iohannis de W. predict' manerium de B. cum p'rtin' ingressa est, & illud tenet contra formam finis p'd. Et ideo tibi preceperimus, q' p bonos & legales homines de comitatu tuo scire faceres predict' Iohannē, q' esset coram Iusticiarijs nostris apud Westm' a die Sancti Michaelis in quindecim dies, p'm preterito, ostensura si quid p se haberet vel dicere sciret, quare predict' manerium de B. cum pertin', predict' Anthonij & I. consanguineis & hered' pred' Adę reuerti non deberent, si sibi vidisset expedire, ac p eo quod idem I. postea in eadem curia nra dixit q' predict' Anthonij sequeretur executionem finis p'dicti de medietate predicti

predicti manerij de B. cum pertinent, versus prædictam Iohannam: Eadem Iohanna venit in eadem curia et dixit, quod ipsa tenet predictum manerium de B. cum pertinent per nomen manerij de R. ex dimission' N. de C. & quod reuersio inde post mortem eiusdem Iohanne ad prædict' N. spectat, sine quo non potest prædicto Anthonio de prædict' medietate manerij prædict' respondere, & petit auxiliū de ipso Nicholao. Et ideo tibi præcipimus, quod per bonos &c. scire facias prædicto N. quod sit &c. apud Westmoñ a die &c. ad respondend' præfat' A. simul cum prædicta Iohanna de prædicto placito si voluerit. Et habeas ibi nomina &c. Teste &c.

Cum quidam finis leuasset in curia dñi E. nuper Regis Anglię aui nostri xv. termino Trin. anno &c. coram A. & socijs suis tunc iusticiarijs ipsius aui nostri itinerantibus, apud E. inter B. queret' & C. de fore, de decem librat' reddit' cum pertinentijs in B. in manerio de S. in comit' E. unde placitum conuencionis suam fuisse inter eos in eadem curia, sc. quod prædict' C. recogn' tenita prædict' cum pertinent, vt in dñicis, reddit' &c. & omnibus alijs rebus ad prædict' tenita pertinent' esse ius ipsius B. Preterea idem C. dedit & concessit prædict' B. quinque mare' reddit' cum pertinentijs in A. in comitatu S. & totum manerium de D. cum pertinentijs in eodem comitatu vt in dominicis: habend' & tenend' eidem B. & E. vxor eius, & hered' de corporibus ipsorum B. & E. exeuntibus, de capitalibus dñis feodi illius imperpetuum, faciend' inde omnia seruicia quæ ad prædict' tenita pertinerent: Et prædict' C. & hered' sui warrant' eisdem B. & E. & hered' suis predict', omnia predict' maner' cum suis pertinentijs per prædict' seruicia contra omnes gentes imperpetuum: Et si contingat quod prædict' B. & E. obirent sine hered' de corp' ipsorum B. & E. procreat', tunc post decessum prædict' B. & E. predict' remaneret cum pertinentijs ad prædict' C. & heredes suos integre reuertetur quiet' de alijs hered' ipsorum B. & E. imperpetuum: Ac iam ex infirmatione R. & K. consang' et hered' prædict' C. accepimus, quod prædict' B. & E. iam obierunt, & quod I. filius & heres eorundem B. & E. obiit sine herede de corpore suo procreato, et etiam W. filius prædict' B. & E. frater & heres prædict' I. iam obiit sine herede de corpore suo exeunt'. Et quod quædam I. quæ fuit vxor I. W. prædict' maner' de D. cum pertinentijs modo ingressa est, & illud tenet contra formam finis prædict', Et ideo tibi præcipimus, quod per probos &c. scire fac' præfat' I. quod esset coram &c. tali die ostensur' si quod &c. quare prædict' manerium cum pertinentijs, predict' R. & K. consanguin' & hered' prædicti C. reuerti non deberet, si sibi vidisset expedire, ac pro eo quod idem K. postea in eadem curia nostra ven' et dic' quod prædict' R. sequeretur executionem finis prædict' de medietate manerij prædict' de D. cum pertin' versus prædict' I. eadem I. tali die ven' in ead' curia nra, et dicat qd

Scire facias
sur ayde.

Fines and Concords.

ipſa tenet manet pred^e de B. cum pertinen^t per noſm manerij de R. ex di-
miſſioñ N. C. & q^{uod} reuerſio inde per mort^{em} pred^e I. ad predict^{um} N. ſpect^{et},
ſine quo non poteſt predict^{um} R. de predict^{um} medietate manerij predict^{um}
reſpondere, & petijt auxilium de ipſo N. Et ideo tibi præcipim^{us}, quod
per probos ſcire facias prefat^{um} N. quod ſit &c. ad reſpondend^{um} pred^e R. ſi-
mul cum predict^{um} I. de predict^{um} placito ſi voluer^{is}. Et habeas &c.

Dominus Rex mand^{at} Inſticiarijs ſuis hoc breue ſuū clauſum in hæc
verba. Edwardus &c. (*recitana totum breue.*) tenor predict^{um} finis vnde
in breue pred^e ſit mentio, (*vel ſic*) Transcript^{um} pred^e finis, vnde in breui
predict^{um} ſit mentio, ſequitur in hæc verbo. Hęc eſt finalis cōcordia &c.

recitand^{um} totum &c. Et modo ſc^{ilicet}. tali die iſto eodema termin^o venit hic
in cur^{ia} A. ex parte predict^{um} T. & dicit quod p^{ater} R. mortu^{us} eſt, & ſimilit^{er}
q^{uod} pred^e W. obiit ſine hered^e mafculo de corpore ſuo procreat^{us}, & quod L.
in vnū meſſ. &c. cum p^{ar}tin^{et}, quę ſunt parcel^ę manerij predict^{um}, modo in-
greſſus eſt, et ill^{ud} tenet contra formam finis pred^e, Et petit breue Vic^{arij} S.
dirigend^{um}, ad p^{er}muñiend^{um} pref^{atum} I. eſſendi hic oſtenſ^{um}, ſi quid &c. quā
ead^{em} meſſuag^{io} &c. cū p^{ar}tin^{et}, q^{uod} dict^{us} T. clamar in for^{um} p^{ater}, poſt mortem
p^{ater} W. pref^{atum} T. conſang^{ue} & hered^e p^{ater} R. remanere non debet iuxta for-
mā finis p^{ater}, eo q^{uod} pred^e W. mortuus eſt ſine hered^e mafcul^o de corpore
ſuo procreato, & ei conceditur returnabil^{is} hic tali die, *vel ſic*. Et per ſepa-
ralia b^{re}ſia, viz. vnū vice^{us} dicti cōm B. aliud Vic^{arij} N. tertiu^m Vic^{arij} H. diri-
gend^{um}, ad p^{er}muñiend^{um} eundem I. eſſendi hic, oſtenſ^{um} &c.

Præcept^{um} fuit vicecōm^{itis}, cum quidam fin^{is} leuaſſet in cur^{ia} dñi reg^{is} &c.
die &c. anno &c. cor^{am} &c. Inſticiarijs ipſi^{us} progenitoris dñi reg^{is} nunc
de Banco, inter W. & I. vxor^{em} eias querent^{es}, & I. E. defore^{is} de vn^o meſſo-
agio &c. cum pertinent^{is} in L. vnde placitum conuentionis ſum^{us} fi-
iſſet inter eos in ead^{em} curia, ſcilicet, quod p^{ater}dict^{us} W. recog^{no}uit tenement^{um}
predict^{um} cum pertineñ^t eſſe ius ipſius I. vt illa quæ idem I. habuiſſet de
dono pred^e W. & p^{er} illa recog^{no}itione ſine & concordia idem I. con-
ceſſiſſet predict^{um} W. & I. p^{ater}dict^{us} ten^{et} cum p^{ar}tin^{et}tijs, et illa eis reddidiſſet
in eadem curia, habend^{um} et tenend^{um} eiſd^{em} W. & I. & heredibus ipſius W.
de corpore ſuo procreat^{us}, de capitalib^{us} dñis feodi illius per ſeruicia quæ
ad tenement^{um} predict^{um} pertinerent imperpetuum, & ſi contingat quod
idem W. obiret ſine hered^e de corpore ſuo procreat^{us}, tunc poſt de-
ceſſum ipſorum W. & I. pred^e tenementa cum pertinentijs integre re-
manerent I. filio ei^{us}dem W. et heredibus de corpore ſuo procreat^{us}
tenend^{um} de capitalibus dominis feodi illius per ſeruicia, quæ ad predict^{um}
tenementa pertinerent imperpetuum, Et ſi contingat quod idem I. obi-
ret ſine hered^e de corpore ſuo procreato, tunc poſt deceſſum ipſius I. p^{ater}-
dict^{us} tenementa cum pertinentijs integre remanerent rectis heredibus
ipſius W. tenend^{um} de capitalib^{us} dñis feodi &c. vt ſupra : Ac ſi ex in-
ſuuatione T. conſang^{ue} & hered^e predict^{um} I. fil^{ius} W. acceperat Rex quod

Mittimus del
transcript del
fine, et Scire
facias inde.

Scire fac, for
the heire of
him in the re-
mainder a-
gainſt the
terre tenant.

Seuerall Scire
fac into ſeue-
ral counties
vpon one fine

Scire fac for
him in the
rem.

Render to
the huſbād &
wiſe, & to the
heires of the
body of the
huſband.

Rem. in taile.

Rem. to the
right heires,

idem

idem W. mortuus est sine herede de corpore suo, pcreat, & quod pred^r Liamobijs, et quod quidam A. tēta predicta cum pertinentijs, modo ingressus est &c. ea tenet contra formam finis pred^r, Et quia &c. quod per probos &c. Scire facias prefat^r A. quod esset hic ad hunc diem &c. ostensur^r si quid &c. quare p^rd^r teneūta cum p^rtin^r, que ipse tenet in forma pred^r, post mortem p^rdict^r W. & I. vxor^r eius pref^r. T. vt consang^r & hered^r pred^r I. fil^r W. remanere nō debent iuxta formam finis pred^r, si &c. eo quod pred^r W. obiit sine herede de corpore suo exeunt &c. Et modo hic ad hunc diem venit tam pred^r T. per A. atturnatum suam quā pred^r A. per S. atturnatum suum, & vicecomes mandauit quod preceperat I. L. balliuo libertatis &c. cui &c. qui idem vic^r sic respond^r, quod scire fecit pref^r. A. essendi hic ad hunc diem, ostensur^r in forma pred^r per T. & G. probos &c. Et super hoc pred^r T. dicit, quod ipse est consang^r et heres pred^r I. filij W. viz. fil^r I. fil^r ipsius I. fil^r W. &c. & petit versus pref^r. A. executionem &c.

Et super hoc, pred^r W. H. dicit quod pred^r W. frater G. in fine pred^r Cosinage.
nominat apud S. in com^r N. quandam E. P. ad ipsam in vxor^r ducend^r: eadem quā E. ipsum W. ad eū in virū habend^r, insimul affidarunt: Et post banna inter eos per tres dies festiuos à se distantes in ecclesia &c. publice proclam^r, fuer^r desponsalia inter eos in facie ecclesie illius solē celebrat^r, infra quā desponsalia, ijdem W. & E. habuerunt exit^r inter se T. apud H. in eodem com^r N. genitum & natum. Qui quidē T. apud T. in com^r N. in ecclesia sanct^r A. ibidem duxit in vxorem quandam N. ijdemq^r T. & N. post sponsalia inter eos ibid^r celebrat^r, habuerunt exit^r inter eos quandam H. ibid^r genitum & natum, ac idem H. apud dictam villam N. in eod^r com^r in pred^r ecclesia &c. duxit in vxorem quādam I. ijdemq^r H. & I. post sponsalia inter eos ibid^r celebrat^r, habuerunt exitum inter eos pred^r W. H. qui nunc sequitur genitum et natū, & sic idē W. H. qui nunc sequitur dic^r, quod ipse est consang^r et heres pred^r W. fratris G. de corp^r ipsi^r W. fratris G. procr^r, viz. fil^r pred^r H. fil^r dicti T. fil^r eiusdem W. fratris G. et petit versus pred^r R. S. scilicet &c. exec^r &c.

Præ fuit vic^r cum quidam finis leuasset in curia domini E. nup^r Reg. Angl^r &c. in oct^r &c. anno &c. coram &c. per breue ipsius imper^r Reg. inter S. P. & I. vxor^r eius & S. fil^r eorundem S. & I. quæ per E. custodem ipsius S. fil^r eorundem S. P. & I. ad lucrand^r, & W. P. personam eccl^r de T. & I. H. capellā de fore^r, de duobus messuagijs &c. cum p^rtin^r in T. S. & W. vnde placit^r conuencionis fuit inter eos in eadem curia, se, quod pred^r S. P. recogn^r tenementa predicta cum p^rtin^r esse ius ipsi^r W. villa quā ijdem W. & I. tunc habuerunt ex dono pred^r S. P. & pro eadem recognitione, fine et concordia, ijdem W. & I. concess^r. pred^r S. P. & I. & S. filio eorundem S. & I. pred^r tenementa, cum p^rtin^r, & illa eis reddiderunt in eadem curia, Habend^r et tenend^r eisd^r S. P. & I. & S. filio

eorundem

Fine leuied to one by a gardein.

Fines and Concords.

eorundem S.&I.& heredibus ipsius S. filij eorundem S.& I. de corp' suo procf, de capital' dñis feodi illius per seruicia quz ad predict' tenementa pertinerent imperpetuum, & si contingeret quod idem S. filius eorundem S.& I. obiret sine herede de corpore suo procreat, tunc post decessum ipsorum S.& I.& S. filij eorundem S. & I. pred' teñta cum pertin' integre remanerent hered' masculis de corporibus ipsorum S. & I. exeuntibus, tenend' de capital' dominis feodi illius per seruicia, quz ad pred' teñta pertinerent imperpetuum, et si nullus hæres masculus de corporibus ipsos S. P.& I. foret procf, tunc pred' tenementa cum pertin' integre remanerēt M. sorori pred' S. filie pred' S.& I. hered' de corpore suo procreatis, tenend' de capital' dñis feodi illius per seruicia quz ad pred' teñta pertinerent, imperpetuum, & si contingeret quod eadem M. obiret sine herede de corpore suo procf, tunc post decessum ipsius M. pred' teñta cum pertin', integre remanerent I. sorori eiusdem M. & herede de corpore suo procf, tenend' de capital' dñis feodi illius per seruicia quz ad pred' teñta pertin' imperpet, et si contingeret quod eadem I. obiret sine herede de corpore suo procf, tunc post decessum ipsius I. pred' teñta cum pertin' integre remaneret hæf pred' S.P. tenend' de capital' dominis feodi illius per seruicia quz ad pred' teñta pertinent imperpet, ac iam ex insinuatione I.A. consang' et her pred' M. de corpore suo procf, acceptat Rex, quod pred' S.P. et I. mortui sunt sine hæf masculo de corporibus suis procreato, & pred' S. filius pred' S. & I. mortuus est sine herede de corpore suo procf, quodq; p'd M. similiter obiit, et quod quidem R. L. & alij, mell. &c. pred' cum pertin' modo ingressi sunt, & illa tenent contra formā finis predict', et quia &c. scire fac' pref. R. L. & al', quod essent hic ad hunc diem, sc. a die &c. ostensur, si quid &c. quare mel. pred' cum pertin', quz ipsi tenent in formā pred', post mortem pred' S.P. et I. S. &c. ac pref. M. pref. I.A. consang' et her ipsius M. de corpore suo procf, ressa non debeant iuxta formam finis pred', eo quod pred' S.P. & I. mortui sunt sine herede masculo de corp' suis procf, & pred' S. filius pred' S. & I. mortuus est sine hæf de corpore suo procf, si &c. Et modo hic ad hunc diem vētam predict' I.A. per T.B. attorn' suum, quam pred' R.L. & al' per I.K. attorn' suum, & vic' mand' quod scire fecit eidem R.L. & alijs essendi hic ad hunc diem, ostens. in forma pred' per I.C. & alios probos &c. super quo idem I. A. dicit quod ipse est consang' & hæf pred' M. de corpore suo procf, videlicet filius I. fil' W. fil' S. fil' pred' M. Et post executionem de tenementis pred' sibi adjudicare &c. Et pred' R.L. & alij dicunt, quod ipsi non possunt dedicer' finem p'd, nec quin pred' S.P. per finem illum recogñ teñta pred' cum pertin' esse ius pred' W.P. vt illa quz idem W. ac pred' I. tunchabuerunt de dono predict' S.P. nec quin pro eadem recogñ, sine et concordia, iud. W. & I. per finem illum concesser' tenementa illa, tenend' prefat' S.

Scire facias
for the heire
of him in the
Rem.

Confession of
the fine.

P.&I.S. fil' eorundem S.&I. & illa eis reddiderunt in eadē curia, habendum & tenendum eisdē S.P.&I.&S. filio eorund' S.&I.& her' ip-
 ſius fil' eorundem S.&I. de corpore ſuo procr', Ita quod ſi continge-
 ret, quod idem S. fil' eorundē S. & I. obiret ſine hered' de corpore ſuo
 procreat', nunc poſt deceſſum ipſorum S.P.&I. & S. fil' eorund' S. & I.
 ſoliet tenementa cum pertinēt integre remaneſ hāc maſcul' de corpori-
 bus ipſorum S.P.&I. exeunt, & ſi nullus hāres maſculus de corporibus
 ipſorum S.P. & I. foret procreat', tunc tenēta predict' cum pertinentijs
 integre remanerent prætat. M. ſorori predict' S. fil' prædict' S.P.&I. &
 hered' de corpore ſuo procr', nec quin præ S.P.&I. mortui ſunt ſine he-
 red' maſculo de corporibus ſuis procr', nec quin præ S. fil' prædict' S.
 P.&I. mortuus eſt ſine hered' de corpore ſuo procreat', nec quin præ
 M. ſimiliter mortua eſt, nec quin predict' I. A. eſt conſanguin' & heres
 predict' M. in forma qua idē I. A. ſuperius ſupponitur, ſed omnia & ſin-
 gula premiſſa bene concedunt. Ideo conſ. eſt quod predict' I. A. ha-
 beat executionem verſus prædict' R. L. & al' de tenementis prædictis
 cum pertinent' &c.

Judgement
 daver execut.

Et modo hic ad hunc diem venit tam prædict' E. in propria perſona
 ſua, quam prædict' T. B. per W. attornatum ſuum, Et vic' mand' quod ſcire
 fecit &c. Et ſuper hoc prædict' E. dicit quod ipſe eſt conſanguin' & hāres
 predicti E. videlicet fil' R. fil' I. fil' A. fil' W. fratris R. patris ipſius E.
 & petit verſus prætat. T. B. execut' &c. Et prædict' T. dicit, quod prædict' E.
 executionem &c. virtute finis prædict' verſus eum habere non debet, quia
 dicit quod quidam R. pater ipſius R. patris E. quandam I. R. ad eam in
 vxor' ducend', ac eadem I. ipſum R. ad eum in virum capiend', apud R.
 in comitatu N. ad inuicem affidarunt, Et poſt modum bannis inter ipſos
 per tres dies feſtiuos à ſe diſtantes in Eccleſia parochiali de R. ſolemniter
 proclaſſa, cæteriſque concurrent' in ea parte canonice requiſitis, ſpō-
 ſalia inter eoſdem R. & I. in facie Eccleſiæ eiſdem fuerunt legitime ac
 ſolemniter celebraſ, infra quæ ſponſalia ijdem R. & I. apud R. prædict'
 habuerunt exitum inter eos ibidem genitum & natum predictum pa-
 trem predict' E. ac quendam S. medium, & poſt ipſius S. natiuitatem,
 predict' W. in fine prædict' nominat', ipſo W. iunior', cui predict' E. ſeſa-
 circ' conſanguin', et her', et predict' R. pater R. & I. poſtea obiit, & prædict'
 R. fil' R. fil' R. habuit exitum ibidem predict' E. et obiit, ipſaque E. po-
 ſtea obiit ſine hered' de corpore ſuo exeunte, dicto W. E. viro ſuo in
 dicto ſine nominato ipſam ſuperuiuentem, & ipſe W. poſtea obiit, poſt
 cuius mortem predictam T. & M. in predictum meſuagium &c. in
 predictis villis de E. & M. intrauerūt vt in remanere ſuo prædicto, et
 ipſe ſeſiti fuerunt in dominico ſuo vt de feodo talliato virtute finis
 predict' & obiit ſine hered' de corporibus ſuis exeunt, poſt quorum
 mortem, quidam I. R. vt conſang' & heres prædict' E. viz. ſu' S. fratris R.

Sci. ſe. return'

Cofinage al-
 leadged.

Barre que aut'
 fuit heire' que
 eſtate il ad.

patris

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parris predicti E. in test illa cum pertinent intravit, et inde fuit seissim in domino suo vt de feodo virtute finis p'd', cuius quidem I.R. statum p'd' T.B. modo habet in eisdem, Et hoc &c. vnde pef &c. si execue' &c.

Coinage
maintaine.

Et p'd' E. dicit, q' ipse ab executione mess. &c. in p'd' villis de E. et M. versus prefat. T. h'ed', per aliqua p' allegata, excludi non debet, Quia die quod diu ante p'd' sponsalia inf' prefat. R. patrem R. & I.R. vxor eius ce- lebrata, idem R. pater ipsius R. ipsam I. ad eam in vxorem ducend' ac- adem I. ipsum R. ad ipsum in viru' capiend' apud M. in predicto comi- tatu B. adinuicem assidarunt, ac concurrentibus omnibus et singulis de iure in ea parte canonice requisit, sponsalia inter ipsos R. & I. in facie ecclesie &c. fuerunt solemniter ac legitime celebrata, infra que spon- salia, p'd' R. pater R. et I. vxoris eius apud p'dice' villam de M. habuerunt exitu inter se, viz. patrem p'd' E. et p'd' W. in fine predicto nominatu filium suum medium, cui p'd' E. se facit consang' et her', et p'dict' S. filiu suum iuniorem, Absq; hoc quod p'dict' S. fuit filius p'dict' R. patris R. & I. vxor eius senior p'd' W. prout p'd' T.B. superius allegauit. Et hoc &c. vnde pef iudicium et executioni &c. Et predict' T.B. dicit quod p'd' S. fuit filius predicti R. patris R. et I. vxor eius senior p'd' W. in forma qua ipse superius allegauit, Et de hoc &c. Et predictus E. similiter, et quia iustic' hic nondum auisantur, an dictus exitus placiti predicti tri- ari debet per homines de visu de M. in dicto comitatu E. vel per homi- nes de visu de R. in dicto comitatu W. aut per homines de vno visu & alio, dies datus est partibus p'd' ad audiend' iudicium suum, hic in oc- tabis Hill' &c.

Venue,

Coinage al-
lege in sci, fac'.

Et super hoc p'd' W.L. dicit quod ipse est consang' et heres p'dict M. videlicet fil' I. fil' I. fil' I. ipsius M. geniti & nati apud T. in co- mitatu N. inter I.L. de T. quondam virum predict' M. & ipsam M. post sponsalia inter eos ibid' celebrata, & petit versus prefat W. & A. execue' &c. Et p'd' W. & A. non cogn' aliqua in breui p'd' p'd' W. L. preallegata contenta, ac protestado quod ipsi ad genitum & naturam p'd' I. fil' M. tam suspecta extra modum & tempus superius allegat' ne- cesse non habent nec per legem terre tenentur r'ndere, protestand' eod' quod p'd' M. primo cepit in virum quend' I.L. de M. qui quid' I. & M. habuerunt exitum inter eos quend' I. idemque I. postea obiit sine her' masc' de corpore suo & corpore p'd' M. procreat, pro plac' die' quod p'd' W. vt consang' & her' p'd' M. execue' p'd' manerij de W. cum p- tin, vnd' &c. virtut' finis p'd' versus eos habere non debet, quia dicit, qd' diu post morte p'd' I.L. de M. et ante aliqua sponsalia inter p'd' I.L. de T. & M. habiti seu celebraf, tam I. de H. p'f. M. ad ipsam in vxor, qui ead' M. ad ipsum I. ad eum in virum habend', apud C. in com' S. inf- mul assidarunt, ibidemq; post banna inter eos in eccl' &c. per tres dies festiuos a se distant solen' proclam', fuerunt desponsalia inter ipsos I. de H. &

& M. infra die eiusd' Ecclesie celebrat, et ipsi ibid' legitimis matrimonio copulati; infra que desponsata tota vita ipsius I. de H. ibid' continu-
 ante aliqui sponsalia inter ipsos I. de T. & M. habuit seu celebrat,
 p' I. de H. & M. habuerunt exi' inter eos quendam N. apud C. pred'
 genitum et natum, et finem, pred' in forma pred' leuauit, et pred' A.
 q' sit vxor W. postea obiit, post cuius mortem pred' I. de H. & M. sit-
 uerunt seisis de pred'cto manerio de W. cum pertinen' in dominico suo ve
 de feodo talliaco; secundo & iure simplici in persona ipsius M. quiescenti-
 re iure ipsius finis pred', & de tali stato inde obierunt seisis, & de ip-
 sis I. de H. & M. descend' idem manerium de W. cum pertinentijs ei-
 dem N. vt fil' et hered' ipsorum I. & M. Qui quidem N. in maneri-
 um illud cum pertinentijs intrauit, & inde sua seisis in dominio suo
 de feodo talliaco secundo et iure simplici inde in persona ipsius N. vt
 fil' & hered' ipsius M. quiescent' per formam finis pred' in habuit
 exi' quendam H. apud C. pred' genitum, & obiit, & de ipso N. descend'
 pred' manerium de W. cum pertinentijs inde & eadem H. vt fil' & he-
 red' eiusdem N. qui quidem H. in manerium illud cum pertinen' intrauit,
 & inde sua seisis in dominio suo vt de feodo talliaco; secundo et iure
 simplici inde in persona ipsius H. quiescente per formam finis pred',
 & inde seisis feoffauit quosdam J. & E. & c. de eodem manerio cu
 pertinentijs, habend' eis, & hered' suis imperpetuum; virtute cuius
 & c. in feodo, quorum quid' I. & c. statim pred' W. & A. modo habent
 in eodem manerio & c. & hoc & c. vnde petit iudicium si pred' W. L.
 executionem eiusd' manerij de W. cum pertinentijs virtute finis pred'
 vobis eos habere debeat & c. Et pred' W. L. non eoga aliqua per psal
 W. & A. preallegat' esse vera, immo minus vera & imaginata, & pro-
 testando etiam quod genit' & natiuitas psal I. L. fil' M. per ipsum W.
 L. in dicta declarac' sua de consanguinitate quo modo est consang' &
 heres ipsi' M. contenta sunt & fuerunt vere et legitime & non suscep-
 tice allegata, prout per diuersa recordat' tam in cancellar' eorum
 Cancellario, et in Scaccario coram Baronibus, quam in Thes. do-
 min' Regis inter recorda de placit' armorum eorum nuper Constabula-
 rio Angl' tentis residet, necnon & p' quamplura euidentia, notime-
 ta vera iusta & sufficien' ac p' talibus in lege approbata & confirmata
 pleneliquet, Pro plac' dic', quipse ab executione dicti manerij de W.
 cum pertinen' virtute finis pred' habend' aliqua per pred' W. & A. inde
 preallegat', excludi non debet, quia dicit quod pred' I. L. de M. & psal
 I. L. de T. fuerunt vna & eadem persona et non diuersa persone, et q'
 idem I. de T. & c. sua, tam per nomen I. L. de T. quam per nomen I. L.
 de M. nominatus & cognitus fuit, quodq' dict' sponsal' inter pred' I.
 L. de T. & M. concurrentib' prius, & in ea parte de iure canonice ro-
 quibant, apud psal villam de T. in facie ecclesie parochialis eiusdem
 villæ

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ville fues ſolemniter celebrata infra quæ ſponſalia ijdem I.L. & M. habuerunt exitum inter ſe pred' I. L. fil' & hæc p'd M. ibidem genitum & matrem, in forma qual' pred' I. L. per dictam declarac' conſang' prædicta ſupponitur, quæ quidem ſponſalia inter ipſos I. L. & T. M. ſic celebrat' ibidem continuat' fues tota vitâ eiufdem I. & poſt mortem eiufdem I. prædict' M. cepit in virum pred' I. de H. abſque hoc quod prædicta ſponſalia inter prædict' I. de H. & M. per pred' W. & A. pallegat' habitata ſeu celebrata fuerunt ante dicta ſponſalia inter pred' I. L. de T. & M. celebrat' ipſi ijdem W. & A. ſuperius allegarunt, & hoc &c. unde petit iudicium ſi executionem &c. Et prædicti W. & A. dicunt, quod prædicta deſponſalia inter prædict' I. de H. & M. per prædict' W. & A. præallegata, habitata & celebrata fuerunt ante dicta deſponſalia inter prædict' I. L. de T. & M. celebrata in forma qua ijdem W. & A. ſuperius allegat, & de hoc pon' &c. Et pred' W. ſimiliter, Ideo prædict' eſt tantum N. quam vic' S. quod &c.

Barre que le
demandant
fuit nec hors
de les epou-
ſels.

Et pred' P. dic' quod prædict' W. execut' verſus eum habere non debet quia, dicit quod, ubi prædict' W. per breue ſuum prædict' ſupponit et ſeriat' ſe fuiſſe filium et heredem prædict' T. idem W. natus fuit extra con-
tra ſponſalia, & hoc paratus eſt verſificare, unde petit iudicium ſi prædict' W. ut filius et heres prædict' T. ſeu alterius cuiuſcunque &c. verſus eum habere debeat &c. Et prædict' W. dicit quod prædict' T. pater ſuus habuit quandam vxorem ſibi deſponſat' A. nomine, de qua ipſe natus fuit infra ſponſalia inter eos T. & A. celebrata, et hoc paratus eſt verſificare, unde petit iudicium ſi &c. & executionem ſibi adjudicari &c. Et pred' P. dicit, ut prius, quod prædict' W. natus fuit extra omnimoda ſponſalia, & non infra ſponſalia prædict', prout prædict' W. ſuperius allegat, Et de hoc pon' ſe ſuper patriam. Et prædict' W. ſimiliter, Ideo quododocumque &c.

Born before
marriage.

Et prædict' I. P. & A. non cogn' quod ipſi, qui fuerunt partes ſini prædict', nec aliquis eorum vnquam aliquid habuerunt vel habuit intentione & aduocac' in prædict' ſine content', dic' quod præſat' E. ut filius & heres prædict' W. execut' de teſt' & aduocatione verſus eos habere non debet. Quia dic' quod idem W. cepit in vxor' quandam M. quæ quidem M. deſponſata fuit eidem W. apud E. in conſ' S. et ibidem deſponſalia inter eos celebrata fuerunt, & dic' quod idem E. natus fuit apud C. in conſ' S. ante deſponſalia, Et hoc parati ſunt verſificare per patriam de prædict' conſ' S. & qualiter curia hic conſ. unde petit iudicium ſi idem E. execut' de teſt' & aduocac' prædict', ut fil' ut hæc prædict' E. in hac parte verſus eos habere debeat &c. Et prædict' E. non cogn' aliqua per prædict' I. P. & A. ſuperius allegat dic' quod ipſe per aliqua pallegat' ab executione de teſt' & aduocac' prædict' virtute ſinis prædict' præcludi ſiue repelli nõ debet, quia dicit quod prædict' W. pater ipſi E. cepit in vxor' prædict' M. viz. apud M. in dicto

Quo com E. & ibid desponsalia inter eos modo legitimo & secundum
form ecclesiasticum celebrat fuerunt, et dicit quod ipse ibid' infra de-
ponsalia illa inter ipsos W. & M. celebrata natus fuit et proci, & hoc
per patriam de pred com E. et qualiter cur hic cons. vnde per iudi-
cum excec' &c. et pred' I. P. & dicit quod pred' E. natus fuit apud
C. in pred' com S. ante desponsalia inter pred' W. & M. celebrat, &
hoc ut prius parati fuit verificare per patriam, et qualiter cur hic
cons. &c. Et pred' E. dicit quod ipse natus fuit et proci fuit infra des-
ponsalia inter pred' W. & M. celebrata, videlicet apud M. in pred'
com E. et hoc ut prius paratus est verificare per patriam de pred' com E.
& qualiter eunq; cur hic cons. & quia videtur cur hic quod exit' pla-
con p'd p homines de vtroq; comitatu p'd trari debet, Ideo prec' est v-
triusq; vicecom com p'd quod vterque eorum venire faciat hic tali die,
duodecim &c. per quos &c.

Trial.

Re lo. ead' gratia L. episcopo salus, cum I. M. finis P. fratris G. B.
in cur nostra cora nobis p quodam breue h'c vide scilicet, quosda' I. A. &
P. G. de quodam mess. cum perti'n in E. implicauerit, ipsique I. A. &
P. iuxta debet premunie' virtute dicti breuis nostri sibi facti, coram no-
bis comparentes allegauerunt ipsum I. fore bastard, hoc pretendendo
verificare, & quia huiusmodi cause cognitio ad forum mere spectat re-
ctialit' vobis mandamus, quod vocat coram vobis, quos in ea parte for-
te videris, euocand', diligenc' inde facias inquisitionem, & plenariam
veritatem inde per literas vestras sub sigillo vestro sigil' nobis in o'c'
&c. vbiunque tunc fuerimus in Angl', reddat certiores, & hoc breue
nobis tunc remittentes. Teste &c.

Briefe al euelq
to certifie ba.
stardie.

In modo hic ad hunc diem venit tam pred' I. B. per B. attorn' suum,
quam pred' I. H. in propria persona sua, & vic' mad' q' scire fecer
ed' I. H. essendi hic ad hunc diem &c. ostensur in foris pred' p' N. B.
&c. p'bos &c. et super hoc p'd I. E. petit versus p'd I. H. excec' &c.
Et p'd I. H. dic' q' pred' I. B. excec' de mess. p'd cum p'tin' virtute finis
pred' versus eum habere non debet, qua dicit quod ead' I. fuit seiscita
de eadem mess. cum perti'n in dñico suo vt de feodo talliato virtute fi-
nis illius, cuius quid I. statū pred' I. H. modo habet in messuag' illis cū
p'ti'n, et sic dicit quod finis pred' excecus fuit in persona p'd I. p' sei-
sitionem suam virtute finis illi', et hoc paratus est verificare, vnde petit
iudicium si pred' I. B. excec' mess. pred' cū p'ti'n virtute finis pred' in
foris p'd excec' in hoc casu versus eum habere debeat &c. et p'd I. B.
dicit q' ipsa ab excec' mess. p'd cū p'ti'n ver' p' I. H. habed' p aliqua
pre' leg' excludi non debet. Quia dicit quod pred' I. non fuit seiscita
de p'd mess. cum perti'n virtute finis predicti, in forma qua pred' I. t'f.
superius allegauit, & hoc p'f quod inquirat per patriam, & pred' I. H.
similiter Idem &c.

Return' scire
facias.

I. to whom the
pl. maketh
himselfe heire
was seised,
whose estate
the tenant
hath.

Et.

in Breve T. R. quod octo acres bosci cum pertinentiis in prædicta villa de H. vnde executio modo secuta est versus eum, dicit quod predictus R. et H. qui fuerunt partes fini prædicti, tempore leuationis eiusdem finis ante, seu post, nihil habuerunt in eodem bosco cum pertinentiis vnde &c. ut de libero tenemento primo quidam I. M. tunc fuit inde seiscitator dominico suo ut de feodo, cuius quidam I. statum inde, prædictus T. R. modo habet, et die impetrat prædictus brevis de Scire facias habuit in bosco illo cum pertinentiis, & hoc paratus est, verificare, vnde petit iudicium si prædictus P. filius P. executionem earundem octo acrarum bosci cum pertinentiis finis prædicti in hoc casu versum etiam habere debeat &c. Et quoad prædictum centum solidatos redditus cum pertinentiis in eadem villa de H. vnde executio similiter modo secuta est, idem T. ulterius dicit, quod ipse non est inde tenens perceptor neque deforc redditus illius cum pertinentiis, neque tenens tenementorum, vnde idem redditus cum pertinentiis provenit, ut de libero tenemento, nec fuit die impetrat prædictus brevis de Scire facias aut unquam postea, Et hoc paratus est verificare, vnde quoad redditum illi quod pertinet per iudicium de breui &c. & prædictus P. filius P. quoad dictum redditum centum solidos, dicit quod die impetrationis brevis sui de Scire facias, scilicet die &c. anno &c. prædictus T. R. fuit tenens ut de libero tenemento de viginti acris terræ cum pertinentiis in prædicta villa de H. vnde redditus ille cum pertinentiis provenit Et dicit quod idem T. tunc fuit deforc eiusdem redditus cum pertinentiis ut de libero tenemento, prout per idem breve supponitur. Et petit suo periculo executionem eiusdem redditus cum pertinentiis versus eum audiri &c. Ideo &c. quoad redditum illum cum pertinentiis, conf. est quod predictus P. filius P. habeat inde executionem suo periculo versus prefatum T. R. virtute finis prædicti &c. Et quoad prædictum octo acras bosci cum pertinentiis, vnde &c. idem P. filius P. dicit, quod tempore leuationis finis prædicti, prædictus T. & G. qui fuerunt partes fini illi, fuerunt seiscitator de eodem bosco cum pertinentiis vnde &c. in dominico suo ut de feodo &c. prout per eundem finem supponitur. Et hoc petit quod inquirat per patriam & prædictus T. R. similiter, Ideo quoad hunc exitum 12. &c.

Scias quod conf. est in curia nostra &c. quod P. B. filius et heres P. A. habeat executionem versus T. R. de centum solidis redditus cum pertinentiis in H. virtute cuiusvis finis inde leuati in curia domini E. quondam Regis &c. apud W. in octavo &c. anno &c. coram W. B. & sociis suis tunc Iusticiariis eiusdem &c. de Banco inter R. &c. quæ, et T. P. & B. uxorem eius deforc, de redditu prædicti cum pertinentiis, ac de alijs terris et edificiis interdem sine contentis per default &c. Et ideo tibi præcipimus, quod eidem P. de redditu prædicti cum pertinentiis sine dilatione plenam executionem & seiscitatoriam habere facias T. &c.

Scias quod conf. est in curia &c. quod R. filius & heres R. habeat seiscitatoriam

non & execut' versus R. D. de manerio de A. cum p^{ri}ncipal' in com suo p^{re}dict' R. virtute not^e cuiusdam finis nuper leuari in curia p^{re}dicta R. nuper Regis &c. apud W. a die &c. anno &c. coram R. & socijs suis Iusticiarijs p^{re}dict' nuper Regis de Banco, & postea in d. &c. anno &c. ibidem concess. & recordat coram eisdem Iusticiarijs & alijs eiusdem nuper regis fidelibus tunc ibi p^{re}sentibus, inter R. de A. &c. quer & I. de S. & E. vxor eius deforciant, de manerijs de O. & R. cum pertinentijs in com N. & de p^{re}dict' manerio de A. in comitatu suo, & ideo tibi p^{re}cipimus, quod eidem R. fil' R. de p^{re}dict' manerio de A. cum pertinentijs sine dilatione plenat seisinam & executionem habere facias. T. &c.

Habere facias seisinam sur recovery sur default in Scire facias.

Postea die & loco &c. venit R. W. infranominat in propria person' sua W. N. infranominat soleniter exactus non venit, sed I. vxor eiusd' W. infranominat in propria p^{er}sona sua venit, & dicit quod mansia infra specificat sunt ius ipsius I. & quod ipsa parata est ostendere, quod p^{re}dict' R. W. execut' de manerijs illis virtute finis infrascript' habere non debet, unde ex quo venit ante iudicium redd' parata p^{er} R. inde responder' & ius suu' defender', p^{er} quod ipsa per default p^{er} W. viri sui non amittat inde p^{re}sumptu, sed q^{uod} admittat inde ad defensionem iuris ipsius I. Ideo &c.

Receite of a feme covert vpon her husbonds default,

Certaine cases of the nature and forme of a Sci. Fa. vpon a fine.

And a Scire fac' to execute a fine, must agree with y^e fine, and th^e Sect. 179. it is not materiall, if one thing be twise demanded thereby, as a Surplusage.

memoz, and a hundred parcell of the same manoz, 27. H. 8. 2. Vpon the note

Scire facias may be sued vpon the note of the fine, befoze it be ingrossed by the Chirographer, 22. H. 6. 13.

But of a fine leuied befoze time of memozy, a man shall not haue execution by Scire facias, 1. E. 4. 6. Cont^r 16. H. 7. 9.

Where a fine executory is leuied of a Seignoz, if the land escheat to the tenant be forindged &c. the Cognizee shall haue a Scire facias of the land in lieu of the seruices, 48. E. 3. 11.

A Miximus maketh no mentio whether the fine be ingrossed or no, but, cum quidam finis leuasset &c. 22. H. 6. 13.

If a fine be leuied to A. in taile, the remainder to B. in taile, the remainder to C. in fee: And the recozd is sent into the Chauncerie, and the first tenant in taile dieth without issue, and the recozd cometh backe into the Bench by Mixim^o, at the suite of him in y^e first remainder, and thereupon he had a Scire facias to execute the fine, & died without issue befoze execution had, he in the remainder in fee shal not hereupon haue a Scire facias, without a new commandement, because the recozd was once out of the Court, & came againe at the suit of him in

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the first remainder, vnto whom he in the remainder in fee is an estate yet thisue of him, which remoued the record, in this case might haue a Scire facias, without any new commandement, because hee is paid.
14.H.7.16.9.E.4.15.11.E.4.13.

If to sue a Scire fac' to execute a fine, & the one dieth, the survivor shall haue a Scire fac' without any new commandement, 1.E.4.13.

But if diuers persons, as heires vnto A.B. pray a Scire fac' it is not grantable, vntill they haue sued severall writs to the Justices of the bench, commanding them to make execution, 11.E.4.13.T.21.E.4.

Coment colin
& heire.

In a Scire fac' to execute a fine, as colin and heire to him in the remainder or reuerſion, after the death of the particular tenant, & plaintife needeth not to shew how colin and heire, so long as the plea hath continuance, by Idem dies &c. given to the tenant, nor at his appearance, nor vntill the plaintife pray execution: And then the comen colin & heire, is to be entred thus in the Roll only: Ex predictis I. dicat quod ipse est consanguineus & heres I.W. videlicet, filius, et heres T.W. fratris & heredis eiusdem I.W. 33.H.6.54.41.E.3.13.& 24.8.H.4.31.

Bastardy.

In Scire fac' by him in the remainder vpon an estate taile vers A.B. supposing the donee to be dead without issue, if A.B. plead that he is issue to the donee, and the plaintife replieth that he is a bastard, it is a good replication, 40.E.3.16.

Vpon estate
executed.

Scire facias vpon a fine leuied to A. B. and C. and to the heires of the bodie of B. the remainder to & right heires of the said A. B. who, and B. died without issue, and C. survived & died, his heires need no Scire facias to execute this fine, because it is executed in his life, by the vntion of the fee and frank tenement in A. 40.E.3.20. And so if a fine be leuied to a baron & feme, and to C. & his heires, & he dieth, & then the baron and feme do die, the fine is executed for one moitie in the life of C. Fitzh. Scire facias 19.43.E.3.9.24.E.3.57.

Ayde.

Tenant for life in Scire facias had aide of him in remainder, 41.E.3 fol. 16. & 20.22.E.3.12.

Death shewed.

In Formedon in Reuerſion or Remainder, the demandat must mention the death of euery one, which had estate and survived his ancestor, but not so in a Scire facias sur fine, 42.E.3.19.

Seuerall
estates.

If the plaintife haue severall estates, created by one fine, he needeth but one writ of Scire fac' 43.E.3.11. though it be of severall things against severall tenants, 11.H.4.15.21.E.3.14.24.E.3.25.

Default.

If in a Scire facias the Sherife returne, the partie summoned, and he appeare not, execution shall be awarded, 43.E.3.13.

Reuerſion.

If a fine sur cognifance de droit come ceo &c. be leuied of a reuerſion by the name of the land, it is not executory, 43.E.3.15.

If the seruices escheat after a fine leuied of the seigniorie, the Cognizee shall haue execution of the land escheated, 48.E.3.11.

A Scire facias lieth sometimes of things not comprised in the writ: as if in a fine sur releas, the Cognizee render rent in taile, 49.E.3.8.

If land be giuen by fine for life, the remainder to baron and feme in taile, & the baron dieth, & then the tenant for life dieth, & the feme entreteth, & fine is executed, so as their issue needeth no Sc. fac. 49.E.3.12.

Scire facias lieth for the donoz in taile against any that abateth after the death of the donoz in taile by fine without issue, 22.E.3.12.

Upon generall Nontenure pleaded, the plaintiff may take execution at his perill: But speciall Nontenure seemeth a good plea, 7.H.6.25.

A man shall not haue execution upon nihil returned, because the tenant may be summoned in the land demanded, 24.E.3.25.

If a fine be leuied to husband and wife in taile, the remainder to his right heires, & they having issue, the husband dieth, & wife hath issue by another husband & dieth, the issue by the first husband entreteth & dieth without issue, & his next heire entreteth, as into the remainder in fee, against whom the issue by the second husband byingeth a Scire facias, and recovereth by reason that the fee could neuer execute in possession in the first brother, during the state taile, 24.E.3.30. & 62.

Affirmement with warrantie from the plaintifes ancestoz, is a good plea in Scire facias upon a fine, 22.H.6.39.

The heire shall haue his age in Scire facias Cont^{ra} Westm^{onasterii} 2. cap. 45. 24.E.3.18. & 60.

What fines with proclamations barre not this issue in taile.

ND fine leuied by tenant in taile, barreth his issue maintenat, but where the tenant in taile is cognizo, as if tenant in taile bying a writ of Covenant against an Estranger, & he recognize the lād to be the right of the tenant in taile, as that which he hath of his gift &c. and the tenant in taile grant and render the land to the cognizo for years, yielding rent &c. & die, this fine is void against this issue in taile, M. 10. & 11. Eliz. Dyer f. 79. p. 7. 36.H.8.Br. fines 118.

A fine with proclamation leuied by tenant in taile, the reversion or remainder being in the king, bindeth not this issue in taile, as it seemeth Br. fines 121. But if such lāds were entailed by the king, such fine barreth not this issue in taile, 32.H.8.ca.36.

If an Estr^{anger} leuie a fine to tenant in taile sur cognifance de droit cōe coque il ad de son done, & he render to him a rent in fee, & die after proclamation, yet this issue in taile may auoid it, for he is remitted, & the rent is another thing the the land, 15. Eliz. Plow. fol. 435. b. per Thornton.

Seigniorie.

Of things out of the writ,

Execution by entrie of him in remainder,

Of a reuerfio.

Nontenure generall or speciall. Nihil returned

Demy fank.

Feoffment.

Secl. 180

Fines and Concords.

If tenant in taile of an advowson, grant and tender by fine the nomination of the Clarke, it is void, 15. Eliz. Pl. f. 435. b. p. Thornton.

If tenant in taile of a rent disseise the tenant of the land, and leuie a fine with proclamation of the land, this fine in taile is not barred for the rent, because the fine was not leuied of the rent but of the land, per Thornton, and granted 15. Eliz. Pl. f. 435. b.

If tenant in taile grant a rent by fine, his issue may auoid it. 15. Eliz. Plow. 436. 14. Aff. p. 4.

What time after a fine leuied, and proclamation made, any man hath to enter or claime by action, or, otherwise, and who are thereby barred forthwith, and who not.

Hitherto of the formes & execution of fines, now let vs see how they may be auoided.

Sect. 181

TO know what time, persons, that haue cause to enter or claime, may enter or claime, after a fine leuied, many thinges are to be weighed: so; some persons haue moze time, & some lesse: so; & differing of which question, we must not onely consider the qualitie of the persons, which should claime or enter, but also the qualitie of their rights and estates: And the persons be either such, as are void of impediments, or such as haue impediments: and the same be either parties, or priuies to the fine, or estrangers to the same: And again, they haue either present right, or future right: And vnto those which haue future right, such haue the same, either wholly after the fine, or, partly before and partly after: and some of them haue but one title, and some diuers: And, others haue no right to the tenements comprised in the fine, but to some things therein, or issuing out of the same.

Parties.

Parties to fines, void of impediments at the time of the leuying of the same, and their heires, are thereby barred presently, and haue no time at all to auoid the same, by entrie, or claime, 1. R. 3. ca. 7. 4. H. 7. c. 24. whether they be persons, hauing naturall capacities, or ciuill.

If they be such ciuill bodie or corporations, as haue in themselves absolute estate and authoritie of their possessions, so as they may maintaine a writ of Right thereof, as Paro; & Cominalty, Deane & Chapter, Colledges, Societies corporate and such like, and their successors, are barred by fines presently, Plow. 338. a. T. o. Eliz.

But Deans, Bishops, Priors, Abbots, Masters of Hospitals, parsons, Vicars, Prebendaries, Channtrie Priests, and such like, which may not haue a writ of Right, but either a Iuris vtrū, Fitz. Nat. fo. 48. r. or, fine assensu capiculi Fitz. Nat. fol. 118. i. are not barred by such fines if the patron and ordinar is soine not with them, Plow. 338. a. 20. Eliz. 375. b. 11. Eliz.

How

How priuies in blond are bound in fines.

And by the same Statuts 1.R.3.c.7.4.H.7.c.24. Priuies in blond as heires of the cognizors, claiming by the same title that their ancestors had that leuied the fine, be barred presently thereby, whether they be void of impediments, or no. As if lands of Socage tenure be given to baron and feme, in speciall taile, the remainder to the right heires of the baron in fee, and the baron sole leuieth a fine with proclamation to his owne vie in fee, and after deuifeth the same lands to A. in fee, & hath issue, and then the baron and feme die, thisue in taile is barred, because he cannot otherwise conuey himselfe to the title and descent in taile, then the heir of the body both of his father and mother. Tr. 18. Eli. Dyer f. 251. p. 24. 9. H. 8. Dyer f. 3. p. 6. 32. H. 8. Br. Fin. 109.

Sect. 182
Priuies.

So if husband & wife, tenants in speciall taile, haue issue, & the wife die, & the husband marry another wife & haue issue, & leuie a fine sur cognisance de droit come ceo &c. and by the same fine take estate in speciall taile, & remainder ouer &c. & die, thisue by the first wife is barred, because he is priuy in blond, the continuance of possession in the husband notwithstanding, 32. E. 3. Dyer pl. 16. Eliz. f. 334. p. 31. & 32.

Pri uies.

But if my fathers brother disseise him, & leug a fine with proclamation, and my father and Uncle within 5. yerres after proclamation die, yet may I auoid it by entrie, at any time before the ende of the said 5. yerres, notwithstanding that I am priue in blond vnto my Uncle, for that my title to the land groweth by my father & not as heir vnto my Uncle, P. 19. H. 8. Dyer fol. 3. p. 2.

Pri uies.

Nevertheless, if my father disseise my grandfather of an estate in fee, & therof leuie a fine wth proclamation, & first my grandfather, & then my father die, I am now barred, as priue, because I cannot otherwise conuey my selfe to the lands then as heir vnto my father the cognizor, P. 19. H. 8. Dyer f. 3. p. 3.

Of Estrangers hauing present right, and no impediment.

But Estrangers to fines (which bee all persons, not parties nor priuies) and being void of impediments naturall and legall, & hauing present right to the lands in the fine, haue onely 5. yerres after proclamations, to enter and claime their right, 1. R. 3. c. 7. 4. H. 7. c. 24.

Sect. 183.

As if one haue a Remainder, or a Reuerſiō, depending vpon an estate for yerres, or by statute Staple, Statute Merchant, or Elegit, & the term be disseised, and a fine leuied &c. & 5. yerres passed, they be all barred thereby: for that these termors might presently haue entred, & be in the reuerſion or remainder for such disseisin might haue had an Assise: So the Statute 4. H. 7. ca. 24. seemeth to bar the termors through negligence, by this word interest, which comprehendeth a terme. Plo. f. 374. a

Tenant in remainder or reuerſion vpon estate for yerres, or at will,

Fines and Concords.

And if a tenant in taile be disseised, and a fine leuied with proclamation, and five yeares past, & the tenant in taile dieth, this fine in taile is bound for ever, per Dyer and Caelin, for the right was present to the tenant in taile at the time of the fine leuied, and he cannot claime, but by the same title, which his father had, which was barred in his life time, Plo. fol. 374. a. Dyer. fol. 3. pl. 6. 19. H. 8. 7. The like it is of the laches of him in the remainder or reuerfion, for it barreth him and his heires, Plo. fol. 374. a. Dyer. fol. 3. p. 6.

Of Estrangers having present Right, and impediments.

Secr. 184.

But estrangers to fines, pestered with impediments of Infancie, Couerture, madnes, ideocy, lunacy, imprisonment, or absence out of the Realme at the leuying of fines, and having then present right, or interest, haue yet libertie five yeares after such infirmitie removed to make entrie or claime &c. 1. R. 3. ca. 7. 4. H. 7. ca. 24.

Infants,

And therefore an Infant hath 5. yerres, after he accomplish his full age (though he be in his mothers womb) Plo. fol. 367. a. because he law intendeth that Infants by reason of their tender yerres, doe want vnderstanding, to know their right, & whether their entries be lawfull or no, And how to make their entries & claime, or bying their actions, according to their title, Plo. fol. 359. 4. H. 7. ca. 24.

Yet if my fathers brother disseise him, and leuy a fine with proclamation, and a yeare after the proclamation my father dieth. And after and within 5. yerres my vnclie dieth, I by reason of my Infancie haue onely so much time to auoid the same, as at the death of my father remained to come of the five yeares next after the Proclamation, and not new five yeares, because I claime by the same title that my father had, in whome the first five yerres were attached & begun, Dyer fol. 3. p. 2. In like maner, and so for the same reason, if the father, or other ancestor be disseised, and the disseisor leuie a fine with proclamation, & within five yeares after the proclamation, the ancestor dieth, his heire being within age, yet if he make not his entrie, or claime within the first five yerres after the proclamation, he is barred, Plo. fol. 367. b. 377 a. As it is there adiudged.

Non sane memorie.

Madmen, and lunatiques, estrangers to fines, haue the like liberty to enter or claime, that Infants haue for their indiscretiō. 1. R. 3. ca. 7. 4. H. 7. ca. 24. Yet as it seemeth, if non sanitie of memory happen after the fine leuied, and before the last proclamation bee made, the ptes be not tied to make claime or entrie, during the first 5. yerres, but shal haue 5. yerres after they be cured of their said maladies, because they grow by the act of God, Plow. fol. 375. a. & 366. a.

Couerture.

And a freme covert, being an estranger to a fine, hath five yerres after she be disconuert, to pursue her right, so that during the couerture

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she wanted power to doe the same without her husbands consent, who perchance would neither doe it nor suffer it to be done: Whombeit if a fine sole, being an Estranger to a fine, and haue present right &c. take a husband, who suffereth the fine yerres to incur, shee is thereby barred for ever, because it was her own voluntary act & folly to marry such an husband, *Plow. fol. 336.a.*

Estrangers to fines, imprisoned at the time of the fine leuied, haue the like liberty to auoid fines, that Infants haue, because the law intendeth, y^e prisoners are so closely & straitly kept fro^m the conference of others, that they know not what hapneth abroad: And do also want libertie to take counsel, & make their entries & claimes, & therefore no laches is in this behalf imputed to them, *Plow. f. 360.a. & 366.a.* But if such imprisonment happen after the fine leuied, befoze the last proclamation made, it seemeth he shal haue 5. yerres after his enlargemēt, because the imprisonment is not his voluntary act, *Pl. 375.a. 366.a.*

Imprisonment

An Estr to a fine, being out of y^e realm, at the leuying thereof, hath 5. yerres after his returne to enter o^r claim. But if he had bin in Engl. at the leuying of the fine, and after had gone beyond y^e seas, & suffered the 5. yerres after proclamation to passe, he had bin barred, *Pl. f. 366.a. 7. Eliz. 4. H. 7. c. 24.* But if he be sent beyond the seas in the kings seruice by his commandement, it seemeth otherwise.

Out of England.

And such civil bodies o^r coppozatiōs as haue in theiuelues absolute estate and authozity of their possell. so as they may maintain a writ of Right therof, as Baioz & Cominaltie, Dean & chapter, colledges, societies in coppozate, & such like, they & their successors, are barred by fine and nonclaime by 5. yerres, *Plow. f. 538. T. 20. Eliz.*

Corporations.

But Deans, Bishops, Priors, Abbots, Masters of Hospitals, parsons, Vicars, Prebendaries, Chaūtry priests, and such like, hauing joint power, & which may not haue a writ of Right, but either a *Iuris verum*, *Fitz. Nat. f. 48. r. 02.* fine assensu capituli, *Fitz. Nat. f. 118. i.* are not barred by such fines, and nonclaime by 5. yerres, *Plow. f. 38.a. 20. Eliz. 375. b. 11. Eliz.*

Corporations.

Of Estrangers hauing diuers defects.

As mozeouer, estrangers to fines, hauing diuers defects o^r infirmities, as in fancie, couerture, nonsanity of memozie, imprisonment, absence out of the realm, to auoid fines, must haue 5. yerres after the last of the said infirmities remoued, *Plow. 375.a.*

Sect. 185.

But if they haue diuers impediments, which be all, once after y^e proclamation, wholly remoued, & after they fal into y^e like again, & die, their heirs are not to haue new 5. yerres, but y^e first 5. yerres, begun in their ancestors, immediately after their first impediments so remoued, shall proceed, and nonclaime of their heires, during all the residue of the

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saide five yeares, bindeth them as their said auncestors should have been bound thereby, if they had remained void of such impediments during all the said five yeares, Plow. f. 375 a.

*Of Estrangers, without impediments, having future right
for cause precedent.*

Sec. 186.

Thus much of Estrangers to fines, having present right, now of such as have future right: which right is of two sorts: for it groweth either wholly before the proclamation, or, partly before, and partly after the same.

And therefore first to fines, void of the said impediments, whose right, title, claime, or interest, first groweth, remaineth, descendeth, or cometh to the after proclamation, by force of any matter or cause had or made before the same, have only 5. yerres, after such right, or, first groweth, descendeth, remaineth, or cometh unto the. 1. R. 3. ca. 7. 4. H. 7. c. 24. As if a mortgage be disseised, & the disseisor doth leas a fine with proclamation, and the 5. yerres after the proclamation the mortgagee payeth or tendeth the money according to his bargain, he may lawfully enter at any time, within five yerres after the said payment or tender, because his title first accrueeth thereby after the proclamation, by reason of the condition and mortgage made before the same, Plow. fol. 378. a. b.

In like maner, and for the like cause, he, which hath a Remainder or reversion, depending upon an estate of freehold, hath five yerres, after that his remainder or reversion accrueeth, to enter etc. And his heir if he die before entry etc. hath only five yerres, after the death of the particular tenant, to enter. Plow. fol. 374. a. b.

And if the tenant in taile leuie a fine with proclamation, after the 5. yerres he dieth without issue, the donor hath five yerres after his death to bring his son in reversion, because he is the first unto whom the right cometh after the proclamation for cause precedent. Plow. fol. 374. a.

And if tenant in taile discontinue in fee, & the discontinuer leuie a fine with etc. and 5. yerres do passe, & the tenant in taile dieth, yet his issue hath 5. yerres after his death, to bring his son in reversion, because he is the first to whom the right of the entaile cometh after proclamation by force of the gift in taile made before the fine. Plow. fol. 374. a. 19. H. 8. 7. Dyer. f. 3. p. 5

Of Estrangers with Impediments having future Right.

Sec. 187.

And Estrangers to fines, having future right for any cause precedent the fine, being affected with such impediments, when their right first accrueeth, have five yerres after such impediments removed, to pursue for the same, 1. R. 3. c. 7. 4. H. 7. ca. 24. As Justices, as well those which

which be borne, as those which be in their mothers wombe, when such right hapneth to them, *Plo. fol. 367. a.* *Jemes, conert, mad men, lunatiques, prisoners, persons beyond the Sea,* as appeareth befoze where it is spoken of them hauing present right. *Pl. 366. a. 7. Eliz.*

As if a man haue issue a sonne and a daughter, which sonne purchaseth lands & dieth: And the daughter entreteth as his heire, & is disseised by A. who leuieth a fine, and five yerres passe without claime. And ten yerres after the father hath another son, which is heire to his brother, he shal haue new 5. yerres after he come to his full age, because hee is the first, to whome the right descended after the proclamation, by reason of the discent which was befoze them, *Plo. fo. 374. b.*

But if an estranger to a fine, to whom a remainder, or other title, first accrueeth after the fine, doe not pursue his right within 5. yerres, hee and his issue are barred for ever, *16. H. 8. Dyer. fol. 3. pl. 6.*

And in like maner, if the first issue in taile, to whom the title of the intaile first accrueeth, neglect his 5. yerres, the whole estate taile is thereby bound for ever, *32. H. 8. Br. Fines 100.*

If he, which abateth after the death of a tenant in fee, make a seoffment vpon condition, and the seoffment leuie a fine, & 5. yerres after proclamation passe without entrie or claime made by his heire, the heire is barred: But if afterwards, the condition be broken, & the Abator therefoze enter, then the heire may haue an Assise of mortdaucester against the abator, or entrie vpon him at any time, and he hath no defence. For if he pleade in bar of the assise the fine leuied to the cognise, and that he hath his estate, the special matter of the abatement, condition, and reentrie may be pleaded in defence thereof, for he can neuer challenge priuilege by the estate of the cognisor, which hee himselfe defeated, *Plo. fol. 358. b. 7. Eliz.*

Of Estrangers hauing no right for any cause before the fine.

But Estrangers to fines, hauing neither present, nor future right *Sec. 133.* at the leuying thereof, by reason of any matter had befoze the fine whose right groweth either intirely after the proclamation, or partly befoze, or partly after, may enter or claime when they please within the time of the prescription.

As if the father die seised, his eldest sonne being professed, and the younger sonne entreteth, and is disseised, and a fine with a proclamation leuied, and after the elder sonne is deraigned, it seemeth hee is bound to no time, *Plo. fol. 337. a.*

So if the husband leuy a fine of his owne lands, to her of his wife is dowry. doable, & die, & five yerres passe after his death, shee is not barred of her dowry, because her title to be endowed accrueeth after the fine leuied
namely

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namely by the death of her husband, soz befoze his death she had onely possibilitie of dower, and not any right, title, oz interest therunto. Plo. fol. 373.

And if a tenant cease one yeare, and then a fine with proclamation is leuied: And afterwards a tenant ceaseth another yeare. The Lord may haue his cessauit per biennium xx. yeares after the Proclamation made, because his right and title groweth partly befoze the fine, and partly after the fine leuied, that is at the end of the two yeares of his tenants ceaseth. Plo. fol. 373.b

Of Estrangers, hauing diuers future Rights, by diuers titles.

Sect. 189.

But if Estrangers to fines haue severall future Rights, by diuers titles growing at severall times, it seemeth, that they shall haue severall fine yeares, to make entrie oz claim, commencing from such time as their severall titles first accrew vnto them: As if tenant soz life, the remainder in fee make a feoffment in fee: And the feoffee leuie a fine with ec. and he in the remainder suffer the first fine yeares to passe, he is by his laches barred of his entrie, soz he sozseiture growing by the alienation of his tenat during his tenat soz life, because he had present right at the leuying of the fine to enter soz the same, yet if after the tenant soz life do die, he hath other 5. yeares, to bring his For-medon in Remainder, because that is a new title oz right, by which he could not haue his For-medon during his tenant soz life. And he had his electio to take aduantage of the sozseiture oz not, Pl. fo. 373.b. Quere, soz there Carlyn thinketh otherwise, because his title to the laud by the sozseiture accrued to him in the life time of his tenant soz life.

If J. S. be tenant pur auter vie, the remainder to another soz life, & remainder to the same J. in fee, and J. S. is disseised, and the disseisor leuieth a fine with proclamation, and the fine yeares passe, J. S. is bound soz his future and present estate soz life: But if cestuy qui vie & he in & mean remainder die, now J. S. shal haue other 5. yeares to enter soz his remainder in fee, soz it then first remaineth vnto him by the death of him in the mean remainder, & cestuy qui vie, soz cause groweth wholly befoze the fine, that is, & state so made befoze, which is another title, Plowden 367.b. p. Welsh, and diuers Iustices, Plo. 367.b.

In like maner, if land be given to J. S. soz the life of A. the remainder to him soz the life of B. the remainder to him soz life of C. and he is disseised, & the disseisor leuieth a fine with proclamation, now J. S. soz his present right, hath 5. yeares by the first Sauing of the Stat. 4. H. 7. ca. 24. And 5. yeares after the death of A. by the second Sauing, which is of future right, and other 5. yeares after the death of B. soz his second

And remaninder, so3 quando duo iura in vna persona concurrunt, et quoniam est adiacent in diuersis, Plow. 368.a.

*If a man disseise a feme sole, and after marry her, and haue issue by her, the baron is disseised befoze mariage or after, and a fine is pro-
clamation leuied, first the baron, & after the feme die wⁱⁿ the 5. yerres,
the issue being of full age, the 5. yerres passe, he is thereby bound, as heire
to his father, but hath other 5. yeares after the death of his mother, to
enter, so3 albeit it is but one selfe same land, yet the heire hath seuerall
rights thereunto growling at seuerall times, thone as heire to his fa-
ther, thother as heire to his mother, in regard whereof he hath seuerall
times, Plow. 367.b.*

*So if the husband maketh a feoffement, of his wiues lands, bypon
condition, which is broken, he leueth a fine wth ec. the husband hath issue
by his wife, and dieth, the first fine yerres passe, & then the wife dieth, &
heire is barred of his entrie so3 the condition as heire to his father, but
shall haue five yeares after the death of his father, to claime ec. because
it is a title differing from that which did descend from his father ac-
cording to him first by the death of his mother, Plow. 367.a.*

*Strangers to fines, hauing neither present, nor future right, to the
tenements in the fine, at the leuying thereof, but only
unto rents, common, &c. issuing out of
the same.*

And *As to fines, hauing neither present, nor future right to the* Sect. 190.
*tenements in the fine, but to some thing, in, or, issuing out of the
same, seems not barrable at all, by any such fine and nonclaime. As
if a tenant in ancient demesne leuy a fine with ec. at the common law
of his lands in ancient demesne, the Lord in ancient demesne may haue
his writ of Deceit, and thereby auoid the fine at any time, & there-
upon his tenant shall be restored to the land, because the Lord clai-
meth not the land, whereof the fine is leuied, but his ancient Seigni-
ory & seruices issuing out of the same, Plow. 370.b.*

*It seemeth, such fines doe not barre such strangers, as haue rent,
common, way, estovers, or any such charge out of the land, so3 it seemeth
that these fines extend only to binde the state, title, right, claime, en-
trie, and interest, in, and to the land, and no profits to be taken out of
the lands, nor to take away power giuen to executors or others to sell
the land, Brooke tit. Fines 123.*

How to auoid Fines.

*It is a good plea to say, that J. S. was seised tempore leuay, and be- Sect. 191.
fore the fine leuied, without that that the parties to the fine, had any
thing*

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thing therein at the time of the fine leuied, 9. H. 4. 27. 3. H. 6. 27.

¶ To say, that the parties to a fine had nothing &c. but A. B. whose estate he hath, Et de hoc ponitur super priam, 33. H. 6. 18. 36. H. 6. 1. 9. 42. E. 3. 20. 4. H. 4. 8. 14. H. 4. 33. 4. H. 7. ca. 24.

¶ If there be two R. D. of one name, & the one leuie a fine of the land of thother, thother may auoid the fine by pleading, that there be two of one name, & thother R. D. leuied the fine, & not he: And in like manner if any stranger leuie a fine in the name of another, that is alwies of the land, 34. H. 6. 19. Contr. 19. H. 6. 44. because it is a matter of record, therefore he hath no other remedie in such case, but an action of deceit.

¶ Neither parties to fines, nor their heires may pleade in auoidance thereof, that befoze the leuying, and at the leuying of the same, & since the demaundant, or plaintife, or their heires, were alwaies seised of the lands contained the fine, or of parcel thereof. Staf. de finibus 27. E. 1. c. 1 12. E. 4. 15. & 19. yet by Fairefax, if tenant in taile, the remainder in fee, leuie a fine sur cognisance de droit come ceo &c. her in the remainder may auerre the continuance of possession, not withstanding the fine & statute, because he is neither the party, nor his heire, so may a feme covert, where her husband sole leuieth the fine, 12. E. 4. 12.

¶ The issue in taile may auer continuance of possession against a fine sur cognisance de droit tantum, or surrender, but not against a fine sur cognisance de droit come ceo que il ad de son done, because that fine is executed, and the other executiois, 12. E. 4. 15. & 19. 11. H. 4. 85.

Of a writ of Error.

Soct. 192

A writ of Error to reuerse a fine, lieth wher there is Error in any fine, and thereby not the Record of the fine it selfe shalbe removed, but the transcript thereof, upon which transcript of the note of the fine, the plaintif may assign his errors: And if the Justices think, that the point assigned for error, is error, they may send for the note of the fine, & reuerse the same. Fitz. nat. fo. 20. f. As if baron & feme leuie a fine to an estranger, the feme being within age, they may haue a writ of error to reuerse the fine, for this cause during her nonage, Fitz. nat. 21. d. 27. all. pl. 17. 50. E. 3. 4. And when a fine is to be reuered by error, the course is for the plaintife in the writ, to haue several writs of Error, one directed vnto the chief Justice of the court of Common pleas to certifie the record and processe of the fine, another vnto the Chiffour. br. of the same Court to certifie the transcript of the foot of the fine, & the third vnto the Chitographer to certifie the transcript of the record and proces of the fine: the severall forms wherof be, as followeth.

A writ

A writ of error directed unto the chiefe Iustice of the Court of common pleas.

Rex &c. dilecto et fideli suo Edm. Anderson militi, salutem. Quia in record & processu, ac etiam in leuatione cuiusdam finis in curia nostra, cor vobis et socijs vris Iustic' nris de banco, apud Westm in octab. S. Michaelis ultimo preteritis, per breue nostrum de conuencione inter I. G. seniore armig' & M. vxor eius, et I. & G. iuniorem gener' querent' & G. H. de fore', de manerio de G. cum pertinen', ac de vno mess. 15. cotagijs, quindecim toftis, quatuor horreis, quindecim gardinis, duobus pomarijs, ducent' acf terrar', octaginta acf prati, centum acris pastur', sex acris bosci, trescentis acf more, & communia pastur' pro omnibus auerijs cum pertin' in G. in com' Ebor' leuat', error interuenit manifestus ad graue damnum ipsius G. sicut ex querela sua accepimus: Nos errorem, si quis fuerit, modo debito corrigi, & eid' G. plen' & celerem Iustic' fieri volentes in hac parte, vobis mandamus quod recordu' & processum finis pred', cum omnib' ea tangen', quæ in custodia vestra existunt, vt dicis, nobis sub sigillo vestro distincte et aperte mittatis, et hoc breue, Ita quod ea habeamus in Octabis S. Hill', vbicunque tunc fuerimus in Angl', vt inspectis recordo & processu finis pred' vlt'ius inde pro errore illo corrigendo fieri faciamus, quod de iure & secund' legem et consuetud' regni nostri Angl' fuerit faciend' &c.

A writ of Error, unto the Custos breuium of the Court of Common pleas.

Rex &c. dilecto sibi Tho. Spencer armig', custodi breuium suorum de banco salutem, quia in recordo & processu, ac etiam in leuat' cuiusd' finis in cur' nostra de banco apud Westm in Oct' S. Mich, ultimo preteritis coram Ed. Anderf. Milite & socijs suis Iustic' nris de banco p'd p breue nostrum de conuencione inter &c. de &c. Vobis mandamus qd' transcriptum pedis finis p'd, cum omnib' ill' tangeñ quæ in custod' v'ra existunt vt dicitur, nobis sub sigillo vestro &c. vt inspect' transcrip' pedis finis p'd vlt'ius inde &c.

A writ of Error, unto the Chirographer of fines.

Rex &c. dilecto sibi: Th. Crompton Armig' Chirographario suo de Banco salutem, quia in recordo & processu, ac etiam in leuatione cuiusdam finis in curia nostra de Banco apud W. in oct' S. Mich. ultimo preteritis, coram Ed. Anderson Milite, & socijs suis Iustic' nostris de banco p'd p breue nostrum de conuenc' int' &c. de &c. vobis mandamus qd' transcript' recordi & p'cessus finis pred', cum omnibus ill' tangeñ q' in custodia v'ra existunt vt dicitur, nobis sub sigil' v'ro distincte & aperte mittatis & hoc breue &c. vt inspect' transcrip' recordi & p'cessus finis pred' vlt'ius inde &c.

And note that a writ of Error, is not maintainable by an Infant, to auerise

Fines and Concords.

reuerſe a fine for his Infancie, but during his Infancie, 50. E. 3. 4. 17.
E. 3. 5. 2. 78. 27. Lib. all. 53

For what Erroꝝ, fines and proclamations be not reuerſable.

No fines, oꝝ proclamations vpon fines, oꝝ comon recoveries, ſhal be reuerſable by writ of Erroꝝ, for falſe oꝝ incongruous latin, raze, interlining, miſentring of any warrant of attorney, oꝝ of any proclamation, miſreturning oꝝ not returning of the ſheriffe, oꝝ other ſwaſt of ſojme in wordes, & not of matter of ſubſtance, 23. Eliz. ca. 3.

Of Erroꝝ in the proclamation of a fine.

If Erroꝝ be in the proclamations of a fine, they ſhall be reuerſed by plea without writ of Erroꝝ, but that fine neuertheles remaineth of good ſoyce ſtill, for they are ſeueral matters of recoꝝd, yet if erroꝝ be in the fine, the proclamations are void, becauſe the fine is the firſt recoꝝd whereupon the proclamations depend, & ſublato ſubiecto tollitur cauſa accidens, Plo. 266. a. Dyer fol. 216. p. 54. 4. Eliz.

Of a Cerciorari.

Seſt. 193.

If a man haue recovered, and befoꝝ he haue execution, the Recoꝝd thereof be remooued into the receit oꝝ Treaſoꝝy, the plaintife may haue a Cerciorari out of the Chancery to the Chamberlain & Treasorer, to remoue the tenoꝝ of the Recoꝝd, and pꝛoceſſe thence into ꝑ Chancerie. And when it is there, it may be ſent thence by Miſſim' into the Court whence it came, as the kings bench, if it came thence: oꝝ into the Common place, if it came thence, and there may executio be ſued, 37. H. 6. 16.

A Cerciorari with a Miſſimus to remoue a fine, bearing date befoꝝ the fine come into the Chancerie, is good enough, 1. R. 3. 4.

In a writ of Erroꝝ to reuerſe a fine, the Recoꝝd it ſelfe ſhal not be remoued, but the tranſcript thereof, becauſe a recoꝝd, which cometh into the B. bench, ſhal not be remaunded: And if the iudgement be affirmed, there is no Chirogr., to ingroſſe ꝑ fine, 40. all. 19. 29. all. 43.

Pet 5. Marie it is holden that in a writ of Erroꝝ, vꝑo a fine, the recoꝝd it ſelfe ſhal be certiſied, ſo ꝑ no moꝝ proclamations ſhal be made thereupon, for if it be reuerſed, that endeth all: & if ꝑ fine be affirmed, the recoꝝd ſhall be ſent into the common place by Miſſimus, to be proclaimed and ingroſſed: For if the tranſcript onely ſhould be remoued, they might neuertheſſe pꝛoced in the common place, B. T. if Rec. 79. Ideo quere.

A Cerciorari of the tranſcript of the ſoote of a fine.

Rex, Theſaurario & Camerarijs, ſalutem: Quia quibuſdam certis de cauſis certiorari volumus, vel volentes certis de cauſis certiorari, vel quibuſdam certis de cauſis certiorari, ſuper tenore pedis equiſdam finis leuari

leuati in curia nostra, coram Iusticiarijs nostris dudum vel ultimo itinere apud N. in comitali per breue nostrum, vel in curia dñi Ed. nuper Regis Angl' aui nostri, vel patris nostri, anno regni sui decimo &c. coram I. & socijs suis tunc Iustic' eiusdem aui nostri, vel patris nostri, de banco per breue suum inter A. petentem & B. tenentem, de vno messuagio cum pertinet in N. vobis mandamus quod scrutatis pedibus finium de eodem itinere tempore predicto leuatorum, vel finium coram prefatis Iusticiarijs anno predicto leuatorum, qui sunt in Thesaurario nostro sub custodia vestra vt dicunt, transcriptum pedis finis predicti nobis in Cancellariam nostram sub sigillo scaccarij nostri distincte & aperte sine dilatione mittatis, & hoc breue, Teste &c.

Rege dilecto clerico suo W. salutem, volentes certis &c. super tenore note cuiusdam finis leuati &c. anno &c. inter A. petentem, & C. tenentem &c. vobis mandamus quod, scrutatis notis finium penes vobis residuum, transfer notam predictam nobis in Cancellariam nostram sub sigillo vestro distincte & aperte sine dilatione, mittatis, et hoc breue, T. &c.

Finis leuatus in curia nostra anno regni nostri decimo, coram W. & socijs suis tunc Iustic' nostris de banco per breue nostrum, inter &c.

Aliter de tenore note finis.

Aliter coram Iustic' nunc de banco.

A Mittenus of the Transcript of a fine out of the Chancery into the Commonplace.

Dominus Rex mandauit Iustic' hic breue suum clarum, in hæc verba, Henr &c. Iustic' suis de banco salutem, transfer pedis cuiusdam finis leuati in curia dñi E. nuper Regis filij Regis H. nuper Regis Angl' progenitoris nostri, coram R. H. & socijs suis tunc Iustic' ipsius progenitoris nostri de banco apud W. per breue suum inter G. P. & I. vxor eius que & S. P. defore, de manerio de C. cum pertinentiis, nobis in Cancellaria nostra de mandato nostro missum vobis mittimus presentibus interclusis, mandantes quod inspectis predictis ulterius ad prosecutionem I. L. & M. vxor eius vnus, & T. V. & T. vxor eius alterius, necnon H. B. tertij consanguinei & heredes predicti G. & I. de corpore suis perferri facias quod de iure & secundum legem & consuetudinem regni nostri Angliæ fuerit faciendum. Teste meipso apud W. octauo die I. anno regni nostri decimo septimo. Transfer pedis finis, vnde in breui predicto sit mentio, sequitur in hæc verba: Hec est finalis concordia facta in curia domini Regis apud W. in octavo S. Mich. anno &c. coram R. H. W. B. P. M. W. H. L. T. & H. S. Iusticiarijs, & alijs domini Regis fidelibus tunc ibidem presentibus, inter G. P. & I. vxor eius que per W. F. posuit loco eorum ad lucrandum vel predendum, & S. P. defore de manerio de C. cum pertinentiis, vnde placitum conuentio- nis summonitus fuit inter eos in eadem curia, scilicet quod predictus G. recognoscit predictum manerium pertinere esse ius ipsius S. vt illud quod idem S. habet de dono predicti G. & pro hac recognoscit, sine & concordia, idem S.

Seq. 194.

Attorney in fine.

con-

Fines and Concords.

Render in
taile.

Forrein ser-
uice.

Rem.in taile.

Reuenter.

concessit pred' G.& I. pred' maneriu cum pertinentijs & illud eis reddi-
dit in eadem curia, habend' et tenend' eisd' G.& I. & h'z quos idem G.
de corpore ipsius I. procreauerit, de pred' S. & hered' suis imperpetuu,
reddend' inde per annum vnam rosam ad festum Nat. Sc't Ioh. Bap. p
omni seruitio considerac' & exactione ad pred' S. & hered' suos prin':
Et faciend' inde capital' dominis feodi illius, pro pred' S. & h'z suis
omnia alia seruitia, que ad illud manerium pertinent: Et si contingat
quod pred' G. obiret sine hered' de corpore ipsius I. procreat, tunc post
decessum ipsorum G.& I. manet p'd cum pertinentijs integre remane-
bit W. fratri eiusdam G. et hered' de corpore suo procreat tenend' de
predi' S. et hered' suis per predict' seruitia, sicut pred' est, imperpetuu:
Et si contingat quod p'd W. obiret sine hered' de corpore suo procreat,
tunc post decessum ipsius W. predict' manerium cum pertinentijs integre
remanebit I. fratri eiusdem W. et hered' de corpore suo procreat, te-
nend' de predi' S. & h'z suis per pred' seruitia, sicut pred' est, imper-
petuum: Et si contingat, quod pred' I. obiret sine h'z de corpore suo
procreato, tunc post decessum ipsius I. pred' manet cum pertinentijs inte-
gre remanebit E. fratri eiusdem I. & h'z de corpore suo procreat, te-
nend' de predi' S. & heredib' suis per pred' seruitia, sicut pred' est, im-
perpetuum: Et si contingat quod pred' E. obiret sine herede de cor-
pore suo procreato, tunc post decessum ipsius E. p'd manerium cum per-
tinentijs integre reuertatur ad pred' S. & h'z suos, quies de alijs h'z ip-
sorum G. I. W. I. & E. tenend' de capitalibus dominis feodi illius per
seruitia, que ad illud manerium pertinent imperpetuum.

A Mittimus.

Seal. 195.

Rex, Iusticiarijs de banco salutem. Mittimus vobis sub pede sigilli
nostri &c. *vel sic*: Transcriptum pedis, *vel sic*: Tenorem pedis cu-
iusdam finis leuati in curia d'ni Edw. nuper Reg. Angl' aui nostri anno
regni sui decimo, cor' W. & socijs suis tunc Iusticiarijs ipsius aui nostri
de banco apud W. per breue nrm, inter I. querentem, & W. deforc' de
tanto &c. quos vel quem coram nobis in Cancellaria nostr' venire feci-
mus, vobis mittimus sub pede sigilli nostri, vt in loquela, que est coram
vobis per breue nostrum inter I. filium I. petentem, & E. tenentem, de
eod' mess. &c. securius procedere valeatis &c. T. &c.

A Mittimus for the foote of a Fine.

Rex Balliuis suis S. salutem. Quia in leuatione diuersorum finium co-
ram I. S. & W. W. nuper balliuis ville S. inter W. R. & M. vxor' eius
que, et W. T. Cappellanum deforc', de oct' mess. &c. & decem solidis
redd' cum pertine' in S. Anno &c. iuxta libertates burgensibus ville
predict' per chartas progenitorum nostrorum quondam regum Ang.
concess. leuat, error interuenit manifestus, sic per inspectionem teno-

rum finium pred, nec non recordi & processu leuationis eorundem, que
comp nobis postea ad sectam W.M. & H.W. de S. consanguineorum et
hered' pred M. venire fecimus, nobis constat: Et nos in curia nostra cor
nobis, ob errores in leuatione finium pred, ac ip recordo & processu eo
rundem compertos, considerauimus qd pedes finium pred a filijs finiu
pd extra hantur & cancellantur: Et ideo vobis mandamus, qd pedes fini
um pd, qui in custodia vestra existunt, mittatis coram nobis tali die v
bicumq; &c. cancel iuxta cosid nra supradi. Et habeatis ibi hoc breue.
T.&c.

Error by the
heire vpon a
fine.

Whether any but he which reuerfeth a fine, may reape benefit thereby.

If the estate contained in a fine, be once within 7. yerres after procla
mations lawfully defeated. What partie hath thereby lost his whole
estate both against him which did reverse the same, & all others which
had right or title paramount, and made no claime within the fine yerres:
Albeit he which brought his action haue not iudgement and execution
within 7. yerres after the proclamations, Plo. fol. 358.b.

Sec. 196.

In like maner, if there be tenant for life, the remainder for life, the
remainder in fee, and the first tenant for life alien, & the alien reueie a
fine with proclamations, and the second tenant for life enter or claime
(as he may) he defeateth the fine against himselfe, and him in the re
mainder also, Plo. fol. 359.a. 7. Eliz.

Warrantia charta.

A Warrantia charta, lieth where a man by deed of graunt, Sect. 197.
Assenteth, releas, or confirmation, or fine, or by exchange, bindeth
himselfe and his heires to warrant the land to another, who being te
nant of the land is impleaded for the land, or rent out of the same, in an
Assise, or writ of Entrie in nature of an Assise, or in a Scire facias vpon
a fine, or in any other action as all, wherein the tenant may not bouch,
he may sue a Warrantia charta, against him and his heires which
made warrantie. And for a tenant by homage antecessel, or any par
ticular tenant vpon reseruatiō of rent, or for equality of seruices vpon
partition, Fitz. Nat. fol. 134. d. f. g. h. Fitz. Nat. 135. c. 31. E. 3. 8. E. 4. 11

Rex &c. quod iuste &c. warrantizet D. vnum messuagiū cum perti
nentijs in R. qd tenet & de eo tenere clamat, & vnde chartam suā habet
vt dicit. Et si &c. *vel sic.* Manerium de N. cum pertinentijs, & a duocati
onem eiusdem villę que tenet &c. *vsque ibi,* vnde chartam suam habet,
vel chartam R. patris, vel matris, vel alterius antecessoris predicti H.
cuius heres ipse est, vt dicit. Et nisi &c.

Briefe de
warrantia
Charta.

vel

De eo quod idem A. warrantizet prefato D. maneria de N & K. &
hundreda de F. & G. cum pertinentijs, & aduocationem Ecclesię de N.
& ideo vobis mandamus &c.

B. i.

But

Fines and Concords.

But if a man infeoffe another with warrantie by deed, and the feoffee infeoffe another, & take estate from him in fee, the first warrantie is determined, because hee is now in of a new estate, Fitz. nat. fol.

135b.

So if A. disseise B. and infeoffe C. with warrantie, who infeoffeeth D. with warrantie, vpon whō an estranger entreteth, in whose possession B. the disseisor releaseth his right, now all former warranties are extinct: And albeit D. is impleaded, yet shall hee not haue Warrantia chartæ, because he is in of another estate by wōg, Fitz. nat. 135. g. 21, H. 6. 41. 22. H. 6. 22.

Releas per
Jointenants.

If there be thre Jointenants, & thone releas to the rest, they may deaigne the former warrantie by vouches, or Warrantia chartæ, for they be in a third part by the release, 40. E. 3. 41.

Villinage.

Warrantia chartæ lyeth against a villein, 48. E. 3. 17.

The writ of Warf chartæ must be sued hanging the principall plea, & before iudgement: as of Assise, or Entrie in nature of Assise, 48. E. 3. 22. Regist. orig. f. 158. a. for then if the warrantier doe die, yet the writ shall not abate, but his heire shall be resuimoned to answer vpon the same, yet may a Warf chartæ be sued before he be impleaded, quia tunc implicitari, & the p^r shall recouer in value p loco & tempore, of such lands as the def. had at the purchasing of the writ, Fitz. nat. f. 134. k. 12 H. 4. 12. 21. H. 6. 41. 22. H. 6. 22. 24. E. 3. 35. But he must not haue execution, but if afterwards he be put out by iudgement, he shall haue his warrantie vpon his first recovery, 21. H. 6. 41. 21. H. 6. 32. 12. H. 4. 12.

Nontenure.

In Warf chartæ, it is a good plea for the defendand, that hanging p plea, the demandant in the principall plea hath entred vpon the plaintife, being then tenant of the land, or that the plaintife in this actiō had nothing in the land, the day of the first writ purchased, nor at any time after, 21. H. 6. 49. 3. E. 3. 45. E. 3. 5.

Countie.

Warf chartæ may be brought in any countie, if the deed beare not date in a place certaine, 31. E. 3.

Tenant in com-
men.

Tenants in common may ioine in Warf chartæ, 28. E. 3. 90.

Count per Ba-
ron & feme
sur fine oue
garr.

I. H. fil' et her' Isabel', quæ fuit vxor R. suū fuit ad respond I. T. & I. vxori eius, de placito quod warf eis vnum mesuag' cum pertinentiis in S. quod de eo tenet, & de eo, repere claū, et vnde cartā Isabel' matris predict' I. H. cuius heres ipse est habet &c. Et vnde &c. dic' quod quidam finis leuauit in curia domini reg' nunc in ocl' S. Hill', an' &c. coram T. B. & socijs suis tunc Iustic' ipsius domini regis de banco, int' ipsos I. T. & I. quer', & R. de B. & predict' Isabel' ad tunc vxor eius defore', de mes. pred' cum pertin' inter alias terras & tenita, per nomē &c. cum pertin' in S. in com' pred', per quem finē, p^r R. & I. concessit pro se & hered' ipsius I. quod quatuor acf terr' cum pertinent' de p^r tenement,

Inter alia per
nomen.
Finis de reuer-
sion.

quo G. & M. vxor eius tenuerunt ad terminum vite ipsius M. de hereditate pred. Ifab. in S. pred. die quo hec concordia facta fuit, & q post decessum ipsius M. ad pred. R. & I. & her ipsius Ifab. reuerit debuerit post decessum ipsi M. integre remanerent pred. I. & I. & hered. suis p. tenend. simul cum pred. tenement. que eis per finem illum remanserunt, de pred. R. & Ifab. & hered. ipsius I. pred. seruie sicut pred. est, imperpetuum: Et ijdem R. & Ifab. similiter concesserunt pro se & hereditibus ipsius. Quod ipsi warf. pred. I. & I. & hered. suis pred. tenement. cum pertinentijs sicut pred. est, contra omnes homines imperpetuum: Et si contingeret quod ijdem I. & I. obirent sine hered. de corporibus suis exeuntibus, tunc post decessum ipsorum I. & I. pred. tenement. cu pinent. sicut p. di. est, integre reuert. ad p. R. & I. et hered. ipsius I. quicquid de alijs hereditibus p. di. I. & I. tenendum de capitalib. domini feodi illius, per seruicia que ad pred. tenement. pertinent imperpetuum, & pred. R. & I. postea obierunt, per quod ad ipsos I. T. & I. pertinuit habend. de prefat. I. H. vt fil. & hered. ipsius I. warf. suam pred. Ac quidam I. R. arrain. quandam assisam noue disseisin. coram T. W. & I. Iust. domini Regis nunc ad assisas in cosu. pred. capiend. assign. varf. ipsos I. T. & I. de pred. tenementis, & ijdem I. T. & I. sepius requirit ipsos I. H. vt fil. & hered. ipsius Ifab. ad warf. eidem I. T. & I. pred. tenement. & idem I. H. tenement. illa sic warf. contradixit & adhuc contradixit, unde dic. quod deteriorat sunt, & damnum habent ad valenc. 100. li. Et inde producit sectam &c.

I. T. sum fuit ad respondend. H. W. de placito, q. redd. ei vn. mes. &c. cum pertinent. in B. quare de eo tenet, et de eo tenet clam. et unde cart. suam habet, et unde &c. dic. quod cum pred. I. seisis fuisset de tenement. p. cum pertin. in dominico suo vt de feodo, & sic inde seisis per quandam cart. suam, quam idem H. hic in curia p. fert, cuius data est apud B. tali die, anno &c. dedisset, concessisset, & confirmasset eidem H. tenentia pred. cum pertinentijs, inter alia terr. &c. per nomen, vt in carta &c. habend. eid. H. hered. & assign. suis imperpetuum, et obligasset se et hered. suos, ad warf. eidem H. hered. & assign. suis, tenentia pred. cum pertin. contra omnes homines imperpetuum: Ac idem H. virtute doni illius, de tenentia pred. seisis fuisset in dominico suo vt de feodo, quidamq. T. arrain. vers. ipsum H. quandam assisam noue disseisin. de pred. mess. et terr. cum pertin. coram I. M. et I. &c. Iustic. dni regis ad assisas in cosu. pred. capiend. assign. per quod idem H. pendente assisa ill. sepius requirit pref. I. quod ipse pred. mess. &c. cum pertinentijs eidem H. warf. et idem I. messuag. ill. &c. eidem H. huc vsq. warf. contradixit et adhuc contradixit, unde dic. &c. et inde producit sectam &c.

Et p. di. I. T. in propria persona sua yeh, & defend. vim et iniur. quando &c. et dicit. quod ipse non potest deducere, quin cart. pred. sit factum

Tayle.

Countsur fait
oue garr.

Inter alia per
nomen.

Confession.

Fines and Concords.

Iudgement.

factum ipsius I. nec quin ipse dederit per cartam illam pref. H. tēta p̄d cum pertinentijs, nec quin ipse teneat tēta illa eidem H. warrantizare in forma qua idem H. superius versus eum narravit. Ideo conf. est quod pred' I. warrantizet prefat' H. messuag' prād' & tēf' cum p̄tīn, p̄ loco et tempore &c. Ideo idem I. in mīa &c.

F. W. generosus suū fuit ad respond' I. B. generoso, & E. B. fil' suo, de placito quod warrantizet eis sex messuag', tria gardina, &c. tria poma-ria cū p̄tīn in ciuitate B. quā tenent & de eo tenere clām, & vnde cartā suam habent &c. Et vnde ijdē I. & E. per H. C. attornat suū dic', quod cū pred' F. nuper seiscitus fuisset de tēf' pred' cum p̄tīn in dñico suo vt de feod', Et sic inde seiscitus existens, quidā finis leuauit in cur' domini regis nunc hīc scilicet apud Westm̄ in Octab. Sancti M. anno regni dicti dñi Regis nunc scdo, coram I. D. H. B. A. B. & R. W. Iustic', Et postea a die Paschæ in xv. dies anno regni eiusd' Reg. tertio ibidem concessit & recor-dat coram eisdem Iustic' & alijs dicti domini Reg. fidelibus tunc ibi presentibus, inter pred' I. & E. quer', & pred' F. deforc', de tēf' pred' cum pertinentijs, vnde placitum conuencionis suū fuit inter eos in eadem curia, scilicet quod pred' F. recogn' tēf' pred' cum pertinentijs esse ius ipsius E. vt ill' quā ijdem E. & I. ad tunc habuer' de dono pred' F. & ill' remisit & quiete clām de se & heredibus suis, pred' I. & E. & hered' ipsi' E. imperpetuum: Et preterea idem F. concessit p̄ se & heredibus suis, q̄ ipse warrant' pred' I. & E. & hered' ipsius E. pred' tenementa cum per-tinent' contra omnes homines imperpetuum: Qui quidem finis in forma p̄d' leuat, habet & leuat fuit ad opus & vsum eorundem I. & E. & hered' eiusdem E. imperpetuum, Cuius p̄textu, ijdem I. & E. fuer' seiscit' de eisd' teneant cum pertineant, viz. idem E. in dominico suo vt de feodo, ac pred' I. in dominico suo vt de libero tenemento: Et sic inde seiscit' existen' qui-dam H. O. coram maiore & vic' ville pred', die lunæ, videlicet, 28. die Aprilis, anno regni dicti domini Regis nunc quarto, apud Guilhaldam ciuitatis pred' arrain' quandam assisam friscetorcie secund' consuetudi-nem ciuitatis illius, in natura assise nouæ disleisinz ad communem legē, versus eosdem I. B. & E. de tenement' pred' cum pertineant, per quod ijdē I. & E. penden' assisa illa, s̄pius requisierunt pred' F. quod ipse tēf' pred' cum pertineant eisd' I. B. & E. et hered' eiusdem E. imperpetuum warrantizet. Et idem F. tenementa illa cum pertineant eisdem I. & E. huc vsque in forma p̄d' dicta warrantizare contradicit, vnde dic' quod de-teriorat sunt, & damnum habent ad valenc' ducentarum librarum, & in-de produc' sextam &c.

Et pred' F. in propria persona sua ven' & defend' vim & iniuriam quand' &c. & dic', quod ipse non potest dedicere actionem predict' I. & E. pred', nec quin finis pred' in forma p̄d' leuat fuit, nec quin ipse per finem illum teneatur ad warrantizand' tēf' pred' cum p̄tīn pref. I. &

E. et hered' ipsius E. imperpetuum, in forma qua idem I. & E. superius versus eum narrauer' : Ideo consider' est quod pred' F. warrantizet pref. I. et E. et hered' ipsius E. imperpetuū, tenē præd' cum pertin' pro loco et tempore &c. Et nihil de mia pred' F. quia ven' primo die per suū &c. M. 3. & 9. Eliz. Reg. Rot. 1822.

W. C. armig' suū fuit ad respond' E. B. genē, de placito, quod warrantizet ei quinquaginta & quatuor ac' terr', quadragint' ac' pasturæ, & sex ac' bosci cum pertinentijs in E. quas tenet & de eo tenere clamat, & unde cartam suam habet &c. Et unde idem F. in propria persona sua dic', q' cum ipse seiscitus fuisset de p'dictis tenētis cū prinētis in dominico suo ut de feodo, (et sic inde seiscit' existēs) pref. W. per nomen W. C. de I. in coīn N. alias dict' W. C. de W. in coīn Suff. armig' x. die I. ann' reg. Dñe Regine nunc 13. per quoddam scriptum suū, q' idem E. sigillo pred' W. signat' hic in curia proferit, cuius datum est eisdem die et anno, recitat' p' idem script' q' cum idem W. C. p' nomen W. C. de I. in comitatu N. alias dict' W. C. de W. in coīn S. armig', simul cum fratre suo C. C. de Lincolns Inne in coīn Middl' gen', per quandam Indent' inter pref. W. & C. ex vna parte, & E. B. de Lincolns Inne pred' generos. ex altera parte confect' gereñ dat' x. die F. anno regni Eliz. dei gratia Angl' Fr. & Hiberñ Reg. fidei defensoris &c. decimo, bargainizauit & vendiderit prefat' E. totum statum & interesse sua, de & in illis pcell' terrar' continē p' estimationem septem ac' siue plus minus inde habeatur, iacēt et existēt in parochia de E. in coīn K. modo, vel nuper in tenura vel occupatione cuiusdam W. S. vel assign' suorum, quorum quidam pcell' unde pcell' vocat' little S. alias dict' Q. & continē per estimationem sex ac', siue plus siue minus inde habeat, habend' & tenend' omnia pred' terras & omnia alia p'missa, cum omnib' & singulis suis pertinen' pref. E. B. hered' & assign' suis ad solum et proprium opus & vsum ipsius E. B. hered' & assign' suor' imperpetuum, prout per pred' Indent' plenius apparet, cumq; etiam idem W. postea per nomen W. C. de I. in coīn N. armig' alias dict' W. C. de W. in coīn S. armig' simul cum pred' fratre suo C. C. de Lincolns Inne in comitatu M. gen' per quandam Indenturam inter pref. W. & C. ex vna parte, & pref. E. B. de Lincolns Inne in coīn M. generos. ex altera parte, confect', gereñ dat' 9. die Octob' ann' regni Eliz' dei gratia Angl', Franc', & Hibernie Regine fidei defensoris &c. decimo etiam bargainizauerit, & vendiderit pref. E. omnia terras boscos, et terras boscales ac cetera hereditamenta subscripta, per quodcunque nomē suū quęcunq; nomina vocat', reputat', seu cognit', videlicet, omnia illa terr' vocat' S. alias dict' Q. alias dict' grat' D. and the bjeime, alias dict' S. and the bjeime, ac omnia alia terras & hereditamenta quęcunq; continēt p' estimationē quindecim ac' siue pl' siue min' inde hēt. f. p' quodcunque nomen seu p' quęcūque noīa K. 113. eadem

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Iudgement.

factum ipsius I. nec quin ipse dederit per cartam illam pref. H. tēta p̄d cum pertinentijs, nec quin ipse teneat tēta illa eidem H. warrantizare in forma qua idem H. superius versus eum narravit. Ideo conf. est quod pred' I. warrantizet prefat' H. messuag' prād' & terr' cum p̄tīn, p̄ loco et tempore &c. Ideo idem I. in mīa &c.

F. W. generosus suū fuit ad respond' I. B. generoso, & E. B. fil' suo, de placito quod warrantizet eis sex messuag', tria gardina, &c. tria pomaria cū p̄tīn in ciuitate B. quā tenent & de eo tenere clāsi, & vnde cartā suam habent &c. Et vnde ijdē I. & E. per H. C. attornat' suū dic', quod cū pred' F. nuper seiscitus fuisset de tēnt' pred' cum p̄tīn in dñico suo vt de feod', Et sic inde seiscitus existens, quidā finis leuauit in cur' domini regis nunc hic, scilicet apud Westm' in Octab. Sancti M. anno regni dicti dñi Regis nunc scdo, coram L. D. H. B. A. B. & R. W. Iustic', Et postea a die Paschæ in xv. dies anno regni eiusd' Reg. tertio ibidem concessit. & recordat' coram eisdem Iustic' & alijs dicti domini Reg. fidelibus tunc ibi p̄sentibus, inter pred' I. & E. quē, & pred' F. de forc', de tēnt' pred' cum pertinentijs, vnde placitum conuencionis suū fuit inter eos in eadem curia, scilicet quod pred' F. recogn' tēnt' pred' cum pertinentijs esse ius ipsius E. vñll' quā ijdem E. & I. ad tunc habuer' de dono pred' F. & ill' remis. & quiete clāsi de se & heredibus suis, pred' I. & E. & hered' ipsi? E. imperpetuum: Et preterea idem F. concessit p̄ se & heredibus suis, q̄ ipse warrant' pred' I. & E. & hered' ipsius E. pred' tenementa cum pertinentijs contra omnes homines imperpetuum: Qui quidem finis in forma p̄d' leuat', habet' & leuat' fuit ad opus & vsum eorundem I. & E. & hered' eiusdem E. imperpetuum, Cuius p̄textu, ijdem I. & E. siue seiscit' de eis teneant cum pertineñ, viz. idem E. in dominico suo vt de feodo, ac pred' I. in dominico suo vt de libero tenemento: Et sic inde seiscit' existē quidam H. O. coram maiore & vic' ville pred', die lunæ, videlicet, 28. die Aprilis, anno regni dicti domini Regis nunc quarto, apud Guilhaldam ciuitatis pred' arrain' quandam assisam fuisse forcie secund' consuetudinem ciuitatis illius, in natura assise nouæ disleisinz ad communem legē, versus eosdem I. B. & E. de tenement' pred' cum pertineñ, per quod ijdē I. & E. pendeñ assisa illa, s̄pius requisuerunt pred' F. quod ipse tēnt' pred' cum pertineñ eis I. B. & E. et hered' eiusdem E. imperpetuum warrantizet. Et idem F. tenementa illa cum pertineñ eidem I. & E. hoc vsque in forma p̄dicta warrantizare contradicit, vnde dic' quod deteriorat' sunt, & damnum habent ad valenc' ducentarum librarum, & inde produc' sextam &c.

Et pred' F. in propria persona sua ven' & defend' vim & iniuriam quā &c. & dic', quod ipse non potest dedicere actionem predict' I. & E. pred', nec quin finis pred' in forma pred' leuat' fuit, nec quin ipse per finem illum teneatur ad warrantizand' tēnt' pred' cum p̄tīn pref. I. &

E. et herēd' ipsius E. imperpetuum, in forma qua iidem I. & E. superius versus eum narrauer: Ideo consider' est quod pred' F. warrantizet pref. I. et E. et herēd' ipsius E. imperpetuū, tenē prād' cum pertin' pro loco et tempore &c. Et nihil de mīa pred' F. quia ven' primo die per suū &c. M. d. & 9. Eliz. Reg. Rot. 1822.

W. C. armig' suū fuit ad respond' E. B. gener', de placito, quod warrantizet ei quinquaginta & quatuor ac' terr', quadragint' ac' pasturā, & sex ac' bosci cum pertinentijs in E. quas tenet & de eo tenere clamat, & unde cartam suam habet &c. Et unde idem F. in propria persona sua dic', q' cum ipse seissitus fuisset de p'dictis tenētis cū p'tinētijs in dominico suo vi de feodo, (et sic inde seissit' existēs) pref. W. per nomen W. C. de I. in co'm N. alias dict' W. C. de W. in co'm Suff. armig' x. die I. ann' reg. Dñe Regine nunc 13. per quoddam scriptum suū, q' idem E. sigillo pred' W. signat' hic in curia proferet, cuius datum est eisdem die et anno, recitauit p' idem script' q' cum idem W. C. p' nomen W. C. de I. in comitatu N. alias dict' W. C. de W. in co'm S. armig', simul cum fratre suo C. C. de Lincolnes Inne in co'm Middl' gen', per quandam Indent' inter pref. W. & C. ex vna parte, & E. B. de Lincolns Inne pred' generos. ex altera parte confect' gerent' dat' x. die F. anno regni Eliz. dei gratia Angl' Fr. & Hibern' Reg. fidei defensoris &c. decimo, bargainizauit & vendiderit prefat' E. totum statum & interesse sua, de & in illis pcell' terrar' continent' p' estimationem septem ac' siue plus minus inde habeatur, iacēt et existēt in parochia de E. in co'm K. modo, vel nuper in tenura vel occupatione cuiusdam W. S. vel assign' suorum, quorum quidam pcell' unde pcell' vocat' little S. alias dict' Q. & continēt per estimationem sex ac', siue plus siue minus inde habeat. habend' & tenend' omnia pred' terras & omnia alia p'missa, cum omnib' & singulis suis pertinent' pref. E. B. herēd' & assign' suis ad solum et proprium opus & vsum ipsius E. B. herēd' & assign' suor' imperpetuum, prout per pred' Indent' plenius apparet, cumq; etiam idem W. postea per nomen W. C. de Linco'm N. armig' alias dict' W. C. de W. in co'm S. arm' simul cum p'zdict' fratre suo C. C. de Lincolns Inne in comitatu M. gen' per quandam Indenturam inter pref. W. & C. ex vna parte, & pref. E. B. de Lincolns Inne in co'm M. generos. ex altera parte, confect', gerent' dat' 9. die Octob' ann' regni Eliz. dei gratia Angl', Franc', & Hibernie Regine fidei defensoris &c. decimo etiam bargainizauerit, & vendiderit pref. E. omnia terras boscos, et terras boscales ac cetera hereditamenta subscripta, per quodcunque nomē suū quęcunq; nomina vocat', reputat', seu cognit', videlicet, omnia illa terr' vocat' S. alias dict' Q. alias dict' great D. and the byeme, alias dict' S. and the byeme, ac omnia alia terras & hereditamenta quęcunq; continēt p' estimationē quindecim ac' siue pl' siue min' inde hēat p' quodcunque nomen seu p' quęcūq; noīa

K. 11j.

eadem

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eadem sunt voc' reputat, seu cognit, modo vel nuper in tegura vel occupatione cuiusdam T. B. ex dimissioni cuiusdam I. C. de I. pred' armiger adtunc nuper defunct', quæ quidē pcell' iacent et existunt in E. in com' K. ac omnes illas terr' modo vel nup in tenura vel occupationi cuiusd' P. W. de E. in p'd com' K. iacen et existē in E. pred', rationē cuiusdā dimissionē eidē P. fact' p p'f. I. C. continen' p estimationē quinq; ac', siue pl' siue min' inde habeat, ac etiā oēs ill' terr' modo vel nup in tenura vel occupac' cuiusd' I. I. ex dimissionē pref. I. C. eidē I. I. fact', cōtinen' p estiū quadrag' int' & octo ac' siue plus siue min' inde hēat, iacen' et existē in diuersis sepecialib' pcell' in E. p'd vnde quēd' pcell' sunt voc' seu cognit' p nomē de P. alias dict' B. quēdam aliē parcell' inde sunt voc' seu cognit' per nomen de R. quēdam aliē parcell' inde sunt voc' seu cognit' per nomen de S. Dane: Ac etiā oīa ill' bosc' et terr' boscales infra spec', viz. E. W. cōtinen' p estiū duas ac' siue pl' siue min' inde hēat, le woodlād iacen apud Knowel gate in E. p'd, cōtinen' per estiū 3. rodas siue plus siue minus inde habeat, S. contin' p estiū tres rodas siue plus siue min' inde hēat, L. alias dict' K. cōtin' p estiū vnā ac' & tres rodas, siue plus minus inde hēat, q̄ omnia sunt iacen et existē in E. p'd hēnd' et tenend' omnia p'dict' terras boscos et terras boscales ac oīa alia premissa cum oībus & singulis suis p'tin' p'f. E. B. hær & assign' suis, ad solū & propriū op' et vsum ipsius E. B. hær & assign' suorum imperpet', Cumque etiam idem W. simul cū p'f. C. fratre suo postea scz. in cur' dict' dñe Reg. hic apud West in oct' S. M. an' reg. dict' dñe Reg. vndecimo in p're completi quarund' concess. & conuēc' in p'd Indentur' specificat, recogn' oīa p'd terr' boscos, et hereditariē cū suis p'tin'. p nomē siue nomina 34. ac' terr', 40. ac' pasture, & sex ac' bosci cū pertinen' in E. p'd, esse ius p'd E. B. vt ill' q̄ idem E. adtūc habuit de don' p'd W. & p'f. C. fratris sui, & ill' adtūc remisit & quies clamauit de se p'f. W. & hær suis, pref. E. & hærēd' suis imperpet', & pred' W. per idem script' hic in cur' p'lat' adtunc approbavit ratificauit & confirmauit eidē E. B. adtunc in sua plen' & pacifica possession' et seisinā p'miss. existen' totum ius, titulū, statū, et interestē sua de, & in p'missis, quā oīa terr' p'rad', pastur', bosc', terr' boscales, & ceterē oīa & singula p'missa cū oīb' & singulis suis p'tin', pref. E. hær et assign' suis, ad solū et propriū opus et vsum ipsius E. hær & assign' suorum imperpetuū. Et insuper p'd W. C. p'script' illud obligasset & hær suos, ad war' eidē E. hær & assign' suis imperpetuum, oīa p'ced' terr', pastur', boscos, & terras boscales, ac cetera oīa p'missa cum suis p'tin' cōtra oēs hoīes imperpetuū, put per p'ced' script' hic in cur' p'lat' plen' appareret, Et idē E. dic' q' p'd tēnta in breui p'd spec', sunt ead' tēnta in p'd script' hic cur' p'lat' mēcion', et nō alia neq; diuisa, ac quidā H. R. ipso E. de tēntis p'd cū p'tin' in form' p'd seisis existē, in curia hic p'scur' est versus ipsum E. B. quoddam breue dñe Reg. de ingressu sup' discessu

in le quibus, de tēntis pred' cū ptin', per quod idē F. pēdente breui illo
sepius requisitū pref. W. C. quod ipse tēnta cum pertin' eidem E. hu c
vlg; warrantizaf & eidem W. pred' tēnta cū pertin' eidē E. huc vsq; war-
rantizaf contradixit & adhuc contradicit, vnde dicit q̄ deterioraf est et
damnum habet ad valentiam trescentarum librarum, & inde producit
lectam &c.

Et p̄d W. C. per T. B. atturnaf suū ven' & defend' vim & iniuriam
quādo &c. et dicit q̄ ipse nō potest dedicere actiō p̄d' E. p̄d', nec quin
p̄d' script' hic in curia p̄lat', sit factū ipsius W. C. nec quin ipse per idem
script' confirmauit pref. E. tēnta pred' cum ptin', nec quin ipse p̄d' W. p̄
scriptū illud teneatur tēnt' p̄d' cū pertin' eidē E. warrantizare, in formā
qua idē E. superius versus eū narrauit, Ideo conf. est q̄ qred' W. C. war-
rantizet p̄f. E. teneant' pred' cum pertin' p̄ loco & tēpore &c. Et nihil
de Mia ipsi' W. quia ven' primū die p̄ sum &c. Hill' 13. Eliz. Ro. fiat si-
milis intratio vers' C. C. mutat' mutadis F. W. gen' sum fuit ad respōdēd'
W. R. de placit' q̄ war' ei octo mesuag', sex gardina, tria posu, quatuor
ac' terf, sex ac' prati, & duas ac' past. cum pertinen' in B. & B. quā tenet
& de eo tenere clamat, & vnde cartā suā habet &c. Et vnde idem W. per
W. C. atturn' suū dic' q̄ p̄d' E. nup' fuit seifitus de teneant'is p̄d' cum
ptin' in dominico vt suo de feodo, & sic inde seifit' existēs idē F. 19. die
Sanū Regn' dñæ Reg. nūc 25. apud B. p̄d' per quandā cartā suā, quam
idem W. R. sigillo p̄d' F. signaf hic in cur' p̄fert, cuius daf est eidem
die & anno, dedit & cōcessit ten' p̄d' cum ptin' pref. W. R. hēnd' sibi et
her' suis imperpetuū, & vltari' p̄d' F. per cartā pred' tenement' pred' cum
pertinē eidem W. & herēd' suis contra omnes homines warran' prout
per cartā illā plen' apparet: virtute quorū quidem don' & cōcessiō idē
W. fuit et adhuc est seifit' de ten' p̄d' cū ptinen' in dominico suo vt de fe-
odo, Et sic inde seifit' existēt, quidā D. D. arrain' versus ipsum W. quā-
dam assisam nouē disseisinā de p̄d' tenement' cum pertin' coram I. C. v-
no barcon' Seaccar dominæ Reg. & F. R. vno seruien' ipsius domine
Reg. ad legē Iustic' eiusd' domine Reg. ad assisas in corā p̄d' capiend' as-
sign' per formam statuti &c. per q̄ idē W. R. pendente assisa illa sepius
requisitū pref. F. q̄ ipse pred' tenement' cum pertinen' eidem W. war' et
idem F. ten' illa cum pertinen' eidem W. hucusq; war' cōtradixit & ad-
huc cōtradicit, vnde dic' q̄ deterioraf est et damnū habet ad valentiā cē-
tum librarum, & inde p̄duc' lectam &c.

SYMBOLEOGRAPHY,

Of Recoveries for Assurances &c.
called common, or feigned Recoveries.



In euery Recovery are to be regarded the Demandant, the tenant of the land & the voucher, as the efficient causes thereof. The land demanded, as the matter, which must as certainly be set downe in writs of Entre, as in writs of Covenant, whereupon fines are levied. The end and effect of such recoveries, is to discontinue and destroy estates tailles, remainders, and reuerſions, and barre the former owners thereof.

The Demandant is he that bringeth the writ of Entre, and may be termed the Recoveror.

The tenant is he, against whom the writ is brought, and may be termed the Recoueree.

The voucher is he, whom the tenant voucheth, or calleth to warrantie for the land in demand.

And such persons may be Demandants, tenants, and vouchers, in these recoveries, as may be Cognizors and Cognizors, in writs of Covenant, and by such names, Mutatis mutandis. Saving that if any recovery be had against any tenant in taile, the reuerſion or remainder being in the king, or the gift of the King, or of any of his Maiesties progenitors, kings of England: such recovery will neither barre & issue in taile of his Entry, nor discontinue his estate, nor plucke such reuerſion or remainder out of his Maiestie, 34.H.8.cap. 20. Quare tamen si tiel recovery barre lissue in taile, during the continuance of the estate taile, Dyer fol. 132. pl. 1.

Item, before such persons, by such meanes, and in such manner may warrants of Attorneys be knowledged & certified, as fines knowledged in the Countie: saving that the recognizance of warrants of Attorneys may be taken by any Justice or Seriant, without a writ of Dedimus Potestatem. And fines must be paid upon writs of Entre, as upon writs of Covenant. And all such writs of Entre must be signed by the kings Attorney before they can be sealed.

In a Recovery with double voucher, the fine must be sued first, to make him tenant at the time of the writ of Entre brought, for euery writ of Entre must alwaies be brought against him that is tenant of the freehold of the land demanded at the time of the writ brought. 18.R.2.

&

and Dyer fol. 252. pla. 98. for that that the estate of the tenant in tail which is vouchee, is barred in respect of the assets only which is, or may be recovered in value, Plow. Basset vers Manxel fol. 112. a. and of execution sued by the tenant against him.

And if the tenant have but an estate for life, or in dower, or by the curtesy: then to have a good recovery thereof, it is meet the such tenant make a conditional Surrender of his estate to him in the reversion, or remainder, so the end he may be a perfect tenant of the inheritance, & then to bring the writ of Entry against him: And after the recovery is executed, the particular tenant for breach of the condition may enter and enjoy his term notwithstanding such surrender.

See the like Surrender in the Chapter of Surrenders, in the first part of Symboleography.

Of what things writs of Entry may be brought, and by what names.

P Ræcipe quod reddat lxxij, de vna acra terræ aqua cooperta, vel Sect. 2.
de acf terf 12. H. 7. fol. 4. de gurgite 10. E. 3. & 14. Ed. 3. 842.
Fitz. nar. bre. fol. 191. h. Et de passagio vltra aquam Fitz. nar. bre. fol.
191. i. de balliua 34. Ed. 3. 423. de officio 27. H. 8. fol. 12. de aduocac'
Ecel' aut de quarta pte decimar' 34. Ed. 3. de porcion' decimar' Dyer
fol. 84. pla. 83. de quadam parcella terræ, Dyer fol. 84. pla. 83. de cu-
stod terræ et heredi, siue custod' terræ, Register 161. 22. Ed. 3. f. 19.

Præcipe quod reddat lieth of all maner of Ecclesiastical or spiritual
all profits: vt de Rectoria, Vicaria, porcionibus, pensionibus, deci-
mis &c. per statuf 32. H. 8. cap. 7. de omnibus, et omnimodis decimis
maioribus mixtis & minutis infra villam siue hamlet de B. in paroch' de
A. quoquo modo crescent, contingent, ac annuatim renouant' &c. Thel.
lib. 8. cap. 9. S. 2. de quarta parte decimarum & oblationū Eccle' sanct'
P. &c. 16. Ed. 3. de quadam porcione decimarum, or terræ, not shew-
ing how much, 1. H. 4. fol. 1. Dyer fol. 84. pla. 83. 84. 85. & 86. In old
time de hida terræ, p Glanville, de caruca terf, 4. E. 3. 161. de bouaf ter.
re, 6. Ed. 3. 291. de sex pedibus terræ in longitudine, & quatuor pedib'
in latitud' 14. Ass. 13.

Præcipe quod reddat lieth de toftro & situ molendini 14. Ed. 3. de
hundredo de C. & balliua de B. 34. Ed. 1. 3. E. 3. de pastur ad sex bo-
ves 3. Ed. 3. f. 2. 34. E. 2. de roda terræ 3. E. 5. de aduocatione 34. E. 1. de
quadam portione terf 11. H. 4. fol. 40. 5. H. 7. fol. 9. de medietate vnius
rode terræ 41. E. 3. de shopa, Registr' fol. 32. de 4. acf alnef 11. Ass.
13. de curbar, by the name of More 8. Ed. 3. fol. 387. and it lieth in a

Town

Recoueries.

Towne and not in a Hamlet, 8.E.3. fol. 55. 7.E.3.9.

Of what things a writ of Entre lieth not.

Sec. 3.

PRecipe quod reddat lieth not, de fossato nec de stagno, nec de piscaria 8.E.3.381. nec de aduocatione decimarum vnius carucate fr. Regist. fo. 29. nec de comunia pastur, 27.H.8.f. 12. de estouerijs 2.E.3. de homagio & fidelitat, nec de seruitijs faciendis, 6.E.2.

A Præcipe quod reddat lieth not, de bouat marisci 13.E.3.f.3. de se-
lione terre E.1. for the incertaintie, because a Selon which is a land,
sometime containeth an acre, sometime halfe an acre, sometime moys,
& sometimes lesse. It lieth not of a garden, cottage, or croft, 14.all. 13.
8.H.6.3.22.E.4.13. de virgata terra, 41.43.13.E.3. de fodina, de mi-
nera, de mercatu, 13.E.3. for they lie not in Demesine, but in Caine,
nec de superiori camera 3.H.6.f.1.

A writ of Entre ought not to containe one self thing twise, as a mes-
suage, & a house parcel of the same messuage, 2.Ed.4.fol.28.76.E.3.fol.
26. For to name a Towne and a Hamlet within the same town, 21.
E.3.fol.14.41.Ed.3.fol.22.

In enerie warrant of Atturney it is good to put two Attornies at
the least for feare of death.

In a Countie Palantine, as Lancaster, Durism, Chester &c. may
be put in a warrant one Atturney, and one of the Iustices Clerks.

If the writ of Entre be returnable Crastin' Martin', the writ of Su-
mons ad wart thereupon must beare Teste from the returne of Crastin'
Martin', and be returnable ix. Returnes after the return of the writ of
Entre, inclusive: that is, accompting Crastino Martini for one of the
returnes, and tres Pasche, which is the ninth returne after Crastino
Mart for another. And the Teste of the writ of Seisin must be the day of
that ninth returne, and be returnable xv. daies after. When the writ of
Seisin may be returned, that seisin was deliuered by vertue thereof in
the demandant, by the sherrife of the Countie where the lands lie upon
any day (not being Sunday) between the Teste & returne of the said
writ of Seisin. When the writs of Entre, Summons, & Seisin must be re-
turned & filed with the Custos breuium, & the indgement entred by the
prothonotarie, & the warrants of Atturney by the Clark of the warrants.

If a single reuerie and asine be against þe tenant, the writ of Entre
must beare date and Teste, before the writ of Covenant, and be return-
ed before.

If a writ of Covenant be brought against the tenant, and a writ of
Entre against the demandant: then the writ of Covenant must beare
date, and be returned before the writ of Entre, and this is called a double
voucher.

A Certiorari to the executor of the Iustice, before whom the warrants were acknowledged.

ELIZ. dei gratia Angl' Franc' et Hibern' Regiñ, fidei defensor &c. di- Sect. 4.
 lecto sibi I.R. arm' executori testamenti Fr. R. nuper vnus Iustic'
 nostrorum de banco salutem. Volentes certis de causis certiorari tam su-
 per quodam warrant' attorn' per quod H.S. posuit loco suo W. B. & R.
 C. coniunctim & diuifim versus R. P. alias W. & R. H. de placito terr' in
 comitatu E. quam super quodam alio warrant' attorn' per quod H. L. &
 L. L. quos pred' H. S. voc' ad warrant', posuerunt locis suis A. B. & F. R.
 coniunctim & diuifim vers. pred' R. & R. H. de placito terre in dicto
 comit' E. per pref. F. R. nuper capf, ac in custod' tua ratione executionis
 testamenti pred' existen', vt dicitur. Tibi precipimus quod war' pred'
 Iustic' nostris de banco apud Westm' sub sigillo tuo distincte & aperte
 sine dilacione mittas & hoc breue, vt ixdem Iustic' inspect' warrant' pd'
 vterius in quodam breui nostro de Ing' penden' coram pref. Iustic' no-
 stris apud Westm' inter pref. R. & R. H. & pred' H. S. de vno messuag'
 &c. cum pertinentijs in T. & D. in comit' prædicto, & process. inde fie-
 ri fac', quod de iure, & secundum consuetudinem regni nostri Angl' fue-
 rit faciend'. T. me ipsa apud Westm' 29. die Nouemb, Anno regni no-
 stri 34.

It is returned thus.

Respons. infrancominati I. R. ad hoc breue.

Execuc' istius breuis pate tin' quadam schedula huic breui annex'.

Chof. ff. Præc' H. S. quod iuste &c. Redd' R. P. alias W. & R. H. v-
 num messuagium &c. cum pertinentijs in T. & D. quod
 clau' &c.

Chof. ff. H. S. po: lo: suo W. B. & R. C. coniunctim & diuifim vers'
 R. P. alias W. & R. H. de plac' terr'.

Chof. ff. H. L. & I. L. quos H. S. voc' ad war' po: lo: suo A. B. & F. R.
 coniunctim & diuifim versus R. P. alias W. & R. H. de pla-
 cito terre.

Capf & cognit' apud W. in comitatu C. xvij. die Feb. anno regni
 domine Eliz. &c. xxxiiij.

I. R.

A Recouerie with single voucher.

Chof. ff. **P**Ræc' G. C. armigero, quod iuste &c. redd' R. C. & R. I. Sect. 5.
 vnum messuagium & quatuor acras terre cum pertin' in
 T. q' clau' &c. Et in q' &c. Et nisi &c.
 G. C. po: lo: suo N. M. & M. M. attorn' suos coniunctim & diuifim
 versus R. C. & R. I.

A Re-

Recoueries.

A Reconerie with double voucher.

Sec. 6.

Derby. ff. **P**Ræc' N.L. & M. vxori eius, quod iuste &c. redd' T. S. & T. C. maneria de N.M. & P. cum pertiñ, ac 30. mell, 30. tosta, 5. molendina, 30. gardin', 30. pomaria, 1000. acf' terr', 1000. acf' prati, 50. acf' pastur, 40. acf' bosci, 1000. acf' moræ, 200. acris iampnorum & brueræ, & 3. libras reddit' cum pertiñ in N. M. P. P. & B. que clam esse ius & hered' suam, & in que idem N. & M. non habent ingressi nisi post desseisinā quam H. H. iniuste & sine iudicio fecit prefatis T. & T. infra 30. Annos iam ultimo elapsos &c. vt dic', vnde quer' &c. Et nisi &c.

Derby. ff. N.L. & M. vxor eius po: lo: suo, T. B. & W. B. attorñ suos cōiunctim & diuisim versus T. S. & T. C. de placit' terr' ad lucrand' vel perdendum.

Derby. ff. W. B. & T. F. quos N. L. & M. vxor eius vocant ad warrant' po: lo: suo, P. P. & Q. Q. attorñ suos cōiunctim & diuisim versus T. S. & T. C. de placito terre ad lucrandum vel perdendum.

A Reconerie with treble voucher.

Sec. 7.

Cest. ff. **P**Ræc' R. B. & C. S. quod iuste &c. reddant A. T. armiger, manet de B. & Q. cum pertiñ, ac. 20. melluag' duodecim tosta, quatuor columbar, nulle acf' terræ, cent' acf' prati, centum acf' pastur, C. C. acf' iampnor & brueræ, centum acf' moræ & triginta solidi & vnum obol' reddit', ac reddit' vnus libræ & dimidij piperis, & vnus gran' piperis cum pertiñ in B. & Q. Ac liberam piscariam in aqua de W. necnon aduocac' eccles' de B. que clam &c.

Cest. ff. R. B. & C. S. po: lo: suo, W. W. & R. R. attorñ suos cōiunctim & diuisim versus A. T. de placito terræ.

Cest. ff. M. M. gen' quem R. B. & C. S. vocant ad warrant' po: lo: suo I. I. & L. L. attorñ suos cōiunctim & diuisim versus A. T. de placito terræ.

Cest. ff. G. W. gen' quem M. M. voc' inde ad warrant' po: lo: suo R. G. & R. S. attorñ suos cōiunctim & diuisim versus A. T. de placito terre.

A Reconerie of aduowson in the Countie Palantine of Chester.

Sec. 8.

PLacita apud Cest' coram R. T. Milif' Iustic' dñe Reg. apud Cest' de Sessione tenet ibid' die Lune vltim' die Septemb. anno regni Eliz. Dei gratia Angl', Franciæ, & Hibern' Reg. fidei defensor, & in terr' Eccles' Anglican' et Hibern' supremi capitis 35.

Chest. ff. H. S. arm' per T. B. attorñ suum, petit versus H. D. armig' aduocationem Eccles' de T. quam ei iniuste deforc' &c. Et vnde dic' quod

quod ipsemet fuit seifitus de aduocac' Ecclesiaz pred' vt de feodo & iure infra 30. annos iam vltimo elapsos, tempore pacis, tempore dñi Reg. nunc, & sic inde seifit eodem tempore ad eandem Ecclesiam presentauit quendam R.A. Clericum suum, qui ad presentationem suam fuit admittus, institutus, & inductus in eadem: Capiendo inde explec', vt in grossis decisi, minutis decisi, oblationibus, & obuencionibus ad valenc' &c. vt de iure Eccles' suaz pred' &c. Et q' tale sit ius suum offert &c.

All the partes of a Reconerie in a writ of Rights de Præcipe in Capite exemplified.

Iacob' dei gratia &c. Omnibus ad quos presentes literę patentēs peruenierint salutem. Sciatis quod I. Comes S. in curia nostra coram Iusticiis nostris apud Westm per breue nrm de Recto de Præcipe in capite, petijt versus T. B. senior & I. vxor eius maner de C. cum pertin', ac vnum messuag', 50. ac' fre, 50. ac' prati &c. cum pertin' in C. B. & H. iuxta T. vt i' et hered' suā: Quod quidem breue vna cum retorñ eiUSDē, ac placitum super idem breue cum omnibus alijs placitum illud tangentibus sequitur in hæc verba.

Sect. 9.

Iacobus Dei gratia &c. Vicecom' Heref. salutem. Præcipe T. B. seniori, & I. vxori eius, quod iuste & sine dilatione reddant I. Comiti Salop manerium de C. cum pertin', ac vnum messuag' &c. cum pertin' in C. B. & H. iuxta T. quæ clamat esse ius & hered' suam, & tenere de nobis in capite. Et vnde queritur quod præd' T. & I. ei iniuste desorceant. Et nisi fecerint, Et præd' Comes fecerit te secus de clamore suo psequen', tunc iussu per bonos summoñ præd' T. & I. q' sint coram Iusticiis nostris apud Westm a die Paschæ in quindecim dies, ostens. quare non fecer. Et habeas ibi sumñ, & hoc breue. Teste meipso apud W. 2. die Aprilis Anno reg. nostri tercio.

Le briefe.

Pleg' de prosequend' R. D. & I. R.

* Responso I. S. Militis Vicec' Sumñ T. B. & I. vxor eius infra script' H. F. & R. L.

Returne inde.

Placit apud Westm coram I. P. et socijs suis Iustici' domini Reg. de banco de termino Paschæ, anno Reg. &c. 3. Rotulo C. C.

* **H**er. H. Ioh. Comes Salop, p' I. S. Atturñ suū p'ct versus T. B. sen' & I. vxor eius, manerium de C. cum pertin', ac vnum mess. &c. cum pertin' in C. B. & H. iuxta T. per breue dom' Reg. de præcipe in capite &c.

Le dd.

* Et vnde dicit quod ipsemet fuit seifitus de manerio, messuag', terr' &c. cum prin', in dñico suo vt de feodo & iure tempore pacis tempore domini Reg. nunc, capiendo inde explec', ad valentiam &c. Et quod tale sit ius suum offert &c.

Le Counz.

* Et præd' T. & I. per W. B. Atturñatum suum, venet' & defendunt ius

Le defend.

Recoveries.

Le dd.

Le defence.

Issue ferra le
graund assis.

Li. lo.

Default &
iudgement.

ius pred' Comitis & seisinam suam, & maxime de manerio, messuag' &c. ei warrant &c. et super hoc pred' Comes petit versus ipsum W.P. manerium, messuagium &c. cum pertiñ in forma pred' &c. Et vnde dic' quod ipsemet fuit seiscus de pred' Manerio, messuag' &c. cum pertiñ in dominico suo vt de feodo et iure, tempore pacis, tempore domini Regis nunc capiend' inde expec' ad valentiam &c. Et quod tale sit ius suum offert &c.

* Et pred' W.P. tenens per warrant suam defendit ius pred' Comitis & seisinam eius & maxime de manerio, messuag', terr' &c. cum prin' & totum &c. Et ponit se inde in magnam Assisam domini Reg. & petit recogn' fieri vtrum ipse maius ius habeat tenend' manerium, messuag', terr' &c. cum pertiñ, vt tenens per warrant suam, vt ea tenet, an pred' Comes habeat manerium, messuag', terr' &c. cum pertiñ, vt ea superius pet' &c. * Et pred' Comes petit licentiam inde interloquend' &c. Et habuit &c.

* Et postea idem Comes per Attornatum suum pred' reuen' hic incuria, et pred' W.P. licet solemniter exact', non reuen', sed in contemptu default fec'. Ideo considerat est quod pred' Comes recuperet seisinam suam versus pred' T. & I. de pred' maner', messuag' &c. cum pertiñ, tenend' eidem Comiti & hered' suis quiete de pred' T. & I. et hered' suis imperpetuum.

Et predicti T. & I. habeant de terr' pred' W.P. ad valentiam manerij, messuag', terr' &c. pred' cum prin'. Et pred' W.P. in misericordia &c.

Warrant' Attornat' inde sequitur in hac verba.

Veres. ff. Ioh. Comes Salop. po: lo: suo I. S. versus T. B. seniore

& I. vxor eius de placito terr'. Veres. ff. T. B. senior & I. vxor eius, po: lo: suo W. B. versus I. Comitem Salop. de placito terræ.

Que omnia et singula ad requisitionem pred' Comitis exemplificari, fecimus, et magnum sigillu nrm, quo vtimur ad hui' di exemplificationes, necnon ad quæcunque breuia iudicialia extra bancum pd' exeat sigilland', presentibus apponi fecimus. Teste I.P. apud Westm' xviij die Maij, anno regni nostri tertio.

Remissio Curia in breui de Recto.

Seet. 10.

EXcellentissimo Principi domino I. dei gratia &c. T. W. salutem in p quem reges regnant, & Principes dominant. Quia A. in curia vna coram iustic' vestris de banco per bfe vestri de recto D.E. de vno messuag' cum pertiñ in S. quod de me tenetur, licentia mea mediante, apponit implacitare, vestre celsitudini regiar, tenore presentium significo me cur' meam vobis inde hac vic' remississe. Saluo mihi alias iure dñij casu consumi.

confimili cum acciderit. In cuius rei testimonium has literas meas feci par-
tere sigillo meo signat. Dat 3. die Maij, Anno regni &c.

*The exemplification of a Recouerie inrolled according to the Sta-
tute of xxij. Eliz. Cap. 3.*

Elizabeth dei gratia Angl' Franc' et Hiberniæ regina fidei defensor
&c. Omnibus ad quos presentes littere nostræ peruenierint salutem,
Scitis quod inter irrotulamenta nostrum et aliorum dependen' pro com-
munibus recuperationibus secund' formam statuti de termin' Pasche a.
post Westm Ann' reg. nostri 29. Rotul' primo continetur sic. *Essex fl.**
Elizabeth Dei gratia, Angl', Franc' & Hibern' reg. fidei defensor &c.
vic' Essex salutem, Præc' I.W. & I.S. quod iuste & sine dilatione reddât
lo. Sc. & R.P. quatuor mesuag', quatuor gardina, 200. acras terræ, 100.
acras prati, 300. acras pasturæ, 40. acras bosci, & 300. acras iampnor et
brueræ, cum pertin', in B.T.T.C.D. & H. quæ clamant esse ius & hæc
suam. Et in quæ idem I.W. & I.S. non habeant ingres. nisi post dislei-
sinam quam H.H. inde iniuste & sine iudicio fecit pref. I.S. & T. infra
triginta annos iam ultimò elapsos vt dicunt. Et vnde queruntur qd præd
I.W. & I.S. eis deforc'. Et nili fecerit & præd I.S. & Th. fecerit secur'
de clamere suo prof. tunc sum'm per bonos sum'm præd I.W. & I.S.
quod sint coram Iustic' nostris apud Westm à die S. Mich' in quindecim
dies ostensuri quare non fecerint. Et habeas ibi sum'm et hoc breue T.
*menpla apud Westm 24. die Sept' anno regni nostr' decimo * Gibon. **
*pleg' de prof. lo. Doo. Rich. Roo. * Sum'm Ioh. Den. Rich. Fen. * G.*
T. armig' vic' fl.

* Eliz. Dei gratia Angliæ Franciæ & Hiberniæ regina fidei defensor
&c. Vic' Essex salutem, Sum'm per bonos sum'm E. W. armigerum & vx-
or eius quod sint coram Iusticiarijs nostris apud Westm à die S. Hilla-
rij in xv. dies ad warf Ioh. W. & I.S. quatuor mesuag', quatuor gardin',
300. acras terræ, 100. acras prati, 300. acras pasturæ 40. acras bosci &
300. acras iampnorum et brueræ, cum pertin' in B.T.T.C.D. & H. q
lo. Sc. & Tho. P. in curia nostra coram Iustic' nostris apud Westm clam
verius suum per breue nostrum de ingres. super disleisinâ in le post vers.
eos. Et vnde iidem Ioh. W. & I.S. in eadem curia nostr' voc' præd Edm.
& Ioh. sum'm in comit' tuo ad warf verius eos. Et habeas ibi sum'm & hoc
breue T.J.D. apud Westm xvj. die Octobris, anno regni &c. decimo.

* Lone. Sum'm Iohannes Den, Richardus Fen. * T. L. arm' vic' fl.
* Io. Sc. & Tho. po: lo: suo R. E. versus Iohannem W. & I.S. de pla-
cito terræ fl. Iohannes W. & I. po: lo: suo I.A. versus Io. S. & Tho. P.
de placito terræ fl. Edm. W. armig' & Ioh. vxor eius quos Iohan. W. &
I.S. voc' ad warf po: lo: suo R. C. versus Io. S. & Th. P. de plac' ter-
re. Quæ omnia & singula ad requisitiõem W.W. gener' tenore presentium
duximus

Sec. 112

The Doctor
which took
the affid. for
the value.
He takes.
Summons.
The Sheriff's
name
Summons
warrant.

The Protho-
notarie in
whose office
it is entred.
The Sheriff.
The warrants
of attorney.

Recoueries.

duxim exemplificand, In cuius rei Testim sigill' nostr ad bria in banco sigilland deputat presentibus appon fecimus T.F.W.P.& F. R. Iustic de banco pcedit' apud Westmon xvj. die Iunij anno regni nostri vicesimo nono.

M. The Judges tohich examined
their inrolement.

M.W.P.
and R.

Secl. 12

Pardon' alien' super terr' per breua de Ingressu recuperat'.

Regina, Omnibus ad quos &c. salut. Cum pædilectus & fidelis consanguineus nostr' T. Dux Norff. Corn Marechal' Anglie, & pænobilis ordinis garter Mil', ac dilect' & fidelis nostri W. C. Miles principal' Secretar' nostr', R. Carl' miles, nuper scilicet terr' &c. anno Regni nostr' &c. recuperauer' versus pædilectum & fidelem consiliarium nostrum N.B. Milif dñum custod' magn' sigil' nostri Angl', ex eius assensu & ad eius requisitiõ pre bfe nrm de ingressu super disleisinam in le post, scdm cursum formam et vsum communium recuperatiõ man de Redgraue &c. in com' nostr' Suff. ad diuersos sepeales vsus, intention', condition' et proposis specificat et declarat in quibusdam Indentur factis inter ipsum N. ex vna parte & pæfatos ducem W.R. &c. ex altera parte gerent dat' secundo die Octobr, anno Reg. nostri priu' prout per eisdem Indentur plenius appar', cumque etiam ijdem dux W.R. &c. in maner, terr', tenement', et cetera pæmissa cum pætin' virtute recuperat' pædict' intrauer', licentia nostr' Regia inde prius non obtent'. Et de eisd' pæmissis fuerunt seisit in dominico suo vt de feodo, ad vsus, intentiones, & pæposita in pæd' Indentur specificat & declarat. Que quidem Maner, messuag' terræ tenement' & cetera pæmissa de nobis tenent in capite, vt dicitur, Sciatis quod nos de gratia nostra speciali ac ex certa scientia & mero motu nostris, saluo nobis homag' nostr' perdonamus, remittimus, & relaxamus pro nobis hered' & successor' nostr' transgressi. in ea parte fact' ac omnimod' intraciones, & ingressus in pædict' Maner terr' tenement' & cetera pæmissa, seu aliquam inde partem siue parcel', tam ante presentem diem quoquo modo fact', siue perpetrat', quam impostet ratioñ alicuius vsus in pædict' Indentur specific' seu declar' fiend' seu habend'. Et vltèrius concessimus, ac pro nobis hered' & successoribus nostr', quantum in nobis est, per presentes concedimus pæfatis duci W.R. &c. quod ipsi maner, messuag', terr', & tenement' pædicta ac cetera pæmissa cum omnib' & singulis suis exit', reddit', proficuis & pætin' quibuscunq; (except' pæexcept') habeant & teneant sibi & hered' & assign' suis ad vsus, intentiones, & pæposita in Indentur pædict' content' & specificat, de nobis hered' & successoribus nostr' per seuitia inde debita, et de iure consueta imperpet', absque impet', molest', vexatiõ, impedimento, seu grauamine nostri heredũ vel successor' nostr',

officiis aliquot Iustic', Escaetor', vicecomit', balliuorum, aut aliorum officior' militum seu subditor' nostror', aut hered' vel successor', nostror' quorumcumq'. In cuius rei &c.

And it is to be noted, that of all licences to alien temporall land in spotmain, the fine to the king is 5. yeares value of the same.

Of all licences to alien spirituall land, (as appropriations of Churches, or other benefices spirituall) the fine to the king is 4. yeares value thereof.

Of all licences of alienatiō made of lands holden of the king in Capite, the fine is the third part of the value, the tenth deducted.

Of all pardons of alienation by the kings tenant in Capite, the fine is one yeares value thereof.

Of all licences of Marriage of the kings Widow, the fine is the third part of the value of her dower by a yeare.

Of all pardons of the kings Widowes married without licence, the fine is the whole value of her dower by a yeare.

Exemplification of a Recouerie with double voucher out of the Prothonotaries office.

Seft. 13

Iacobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hyberniæ Rex, fidei defensor &c. Omnibus ad quos presentes literæ nostræ peruenierint salutem. Sciatis qd inter placita terrar' irrotulaf' apud West. coram E. A. Milite & socijs suis Iustic' nostris de banco. Termin' S. Hill' anñ regñ nostri. Rot. x. continetur sic.

Cbezum. ff. Fr. W. & R. S. in proprijs personis suis, pef' versus I. R. duodecim acf' prati cum pertineñ in M. & K. vt ius & hereditatem suam, Et in quas idem I. non habet ingressum nisi post disseisinam, quam H. H. inde iniuste & sine iudicio fecit pef'at' Fr. & R. infra trigint' anñ &c.

* Et predict' I. per W. W. Atturñat' suum venit, & aliàs voc' ad warf T. R. Armigerum, qui modo per suñ ei in corñ pef'at' per T. I. Atturñatum suum, venit et gratis predictas duodecim acras prati cum pertinentijs ei warrant &c. * Et super hoc predict' Fr. & R. pef' versus ipsū T. tenen' per warrant suam predictas duodecim acf' prati cum pñ in forma predicta &c. * Et vnde dic' quod ipsimet fuerunt seisciti de pred' duodecim acf' prati cum pñ in dominico suo vt de feodo, & iure, tempore pacis, tempore Domini Regis nunc capiendo inde explec' ad valent' &c. Et in quas &c. Et inde produc' sextam &c. * Et predict' T. tenens per warf suam defendit ius suum quando &c. * Et vicarius voc' inde ad warf R. H. qui presens est, hic in Curia in propria person' sua. Et gratis pred' duodecim acf' prati cum pertinentijs ei warrant &c. * Et super hoc pred' Fr. & R. S. pef' versus ipsū R. H. tenen' per warf suam

Voucher.

Le dd' vers. 1. vouchee.

Le count.

Vouch oustr.

Le defence.

Dd' vers. 2. Vouchet.

L. j.

suam

Le Count. suam predictas duodecim ac' prati cum pertinentijs in forma predicta &c. * Et vn de dic' q' ipsius fuerunt seisciti de predictis duodecim ac' prati cum pertinentijs in dominico suo vt de feodo et iure, tempore pacis, tempore Domini Regis nunc, capiendo inde explec' ad valentiam &c. Et in quas &c. Et inde produc' sextam &c. * Et predict' R. H. tenens per war' suam defendit ius suum quando &c. * Et dic' quod pred' H. non disseiuit pref. Fr. & R. S. de pred' duodecim ac' prati cum pertinentijs, put ijdem Fr. & R. per breue & narrationem suam pred. & superius supponunt. Et de hoc ponit se super patriam &c. Et predict' Fr. & R. S. pet' licentiam inde interloquendi. Et habent &c.

Default. Et postea ijdem Fr. & R. reuen' hic in curia isto eodem termino in p-
Judgement. prijs person' suis. Et predictus R. H. licet solemniter exa' non reuen', sed in contemptum curie recessit, & defaultam fecit. * Ideo considerat' est quod predict' Fr. & R. S. recuperent seisinam suam versus prefat. I. de predictis duodecim ac' prati cum pertinent'. * Et quod idem I. habeat de terr' predict' T. ad valentiam &c. Et quod idem T. vlt'ius habeat de terr' predict' R. H. ad valentiam &c. * Et idem R. in misericordia &c. * Et super hoc predicti Fr. & R. S. petunt breue domini Regis Vicecomiti comitatus predicti dirigend' de habere faciend' eis plenariam seisinam de pred' duodecim ac' prati cum pertinentijs. Et eis conceditur, returnabile hic a die Pasche in quindecim dies &c. Que omnia et singula ad requisitionem predicti Fr. & R. S. tenore presentium duximus exemplificandum. In cuius rei Testimonium sigillum nostrum ad breuia in banco predicto sigilland' deputat' presentibus apponi fecimus. Teste E. A. apud Westm' duodecimo die Februarij, Anno Regni nostr' &c.

When the wylt of Seisin is returned, the return thereof must be entred vpon the same Roll, whereon the iudgement was entred, as appeareth in the end of the next section.

Another to the like effect.

Sec't. 14. **I**acobus Dei gratia Angliæ, Scotiæ, Franciæ, & Hibern' Rex, fidei
De' vers terr. defensor &c. Omnibus ad quos presentes literæ nostræ peruenerint salutem, Sciatis quod inter placita terre irrotulæ apud Westm' coram E. A. milite & socijs suis Iustic' nostris de banco. Termin' Mich. ann' regni nostri 2. Rot 12. continetur sic.

Le Count. **Spotting. ff.** R. T. & R. B. in proprijs personis suis, pet' versus P. T. generosum, & W. H. generosum, maneria de H. & M. cum pertinentijs, ac viginti messuagia, decem costa, vnum molendinum equinum, duo columbar', triginta gardina, quingent' acras terre, ducent' acras prati, sexcent' acras pasturæ, trescent' acras bosci, mille acras iamponum &c.

& habere quingent' acras more, & 20. solid' redd' compertū in H.M. D.&c. ut ius et heredit' suam, Et in quē ijdem P. & W. non habent ingressum, nisi post disseisinam, quam H. H. inde iniuste & sine iudic' fecit prefat' R. & R. infra triginta annos &c. * Et vnde dicunt quod ipsimet fuerunt seisciti de manerijs, tenementis, & redditu predict' cum pertinenti', in dominico suo vt de feodo, & iure, tempore pacis, tempore domini Regis nunc, capiēdo inde explec' ad valenc' &c. Et in quā &c. Et inde producunt sectam &c.

Defence per
les terres.

* Et pred' P. & W. in proprijs personis suis venerunt & defend' ius suum quando &c. Et voc' inde ad war' G.M. generosum, qui presens est hic in Curia in ppria persona sua. Et gratis maneria, tenementa, & redditus pred', cum pertinentijs eis warrant &c.

Demand' vers
Vouchee.

* Et super hoc pred' R. & R. pet' versus ipsum G. tenen' per warrant suam maneria, tenementa, & redditus pred' cum pertin' in forma predict' &c. * Et vnde dicunt quod ipsimet fuerunt seisciti de manerijs, tenementis & redditu predict' cum pertinentijs, in dominico suo vt de feodo, & iure, tempore pacis, tempore domini Reg' nunc, capiēdo inde explec' ad valentiam &c. Et in quā &c. Et inde productus sectam &c.

Count.

* Et pred' G. tenens per warrant suam defendit ius suum quando &c. * Et ulterius voc' inde ad warrant D. H. qui similiter patiens est hic in Curia in propria persona sua, & gratis maneria, tenementa, & reddit' predict' cum pertinentijs ei warrant &c.

Defence per
vouchee.
Le reuoucher.

* Et super hoc predicti R. et R. petunt versus ipsum D. tenen' per warrant suam maneria, tenementa, & reddit' predicta cum pertinentijs in forma predicta &c. * Et vnde dicunt quod ipsimet fuerunt seisciti de manerijs, tenementis, et reddit' predictis cum pertinentijs in dominico suo, vt de feodo, & iure, tempore pacis, tempore domini Regis nunc, capiēdo inde explec' ad valentiam &c. Et in quā &c. Et inde producunt sectam &c.

Dd' vers 2.
Vouchee.
Le Count vers
2. vouchee.

* Et predictus D. tenens per narrationem suam defendit ius suum quando &c. * Et dicit quod predict' H. non disseisuit pref. R. & R. de manerijs, tenementis, & redditu pred' cum pertinentijs, prout ijdem R. & R. per breue & narrationem suam predictam superius suppon. Et de hoc ponit se super patriam &c. * Et pred' R. et R. petunt licentiam inde interloquendi. Et habent &c.

Defence per 2.
vouchee.
Non diss.
Li. Lo.

* Et postea ijdem R. & R. reuen' hic in Curia isto eodem termino in ppria persona sua. Et predictus D. licet sollemniter exact' non reuen', sed in contemptum curiā recessit, & desaltam fecit. * Ideo considerat' est quod predict' R. & R. recuperent seisinam suam versus prefatos P. & W. de manerijs, tenementis, & redditu predictis cum pertin'. * Et quod ijdem P. & W. habeant de terra pred' G. ad valentiam &c.

Le default.
Iudgemēt inde
Recouerie in
value.

Recoveries.

Misericordia.

Et quod idem G. ulterius habeat de tert' prædict' D. ad valentiam &c.
* Et idem D. in misericordia &c. Et super hoc prædicti R. & R. petunt breue domini Regis Vicecomiti comitatus prædict' dirigend', de habere faciend' eis plenariam seisinam de manerijis, tenementis, & redditu prædict' cum pertinentijs, Et eis conceditur, returnabile hic a die S. Martini in quindecim dies.

Ad quem diem hic venerunt prædicti R. & R. in proprijs personis suis. Et vicecom', scilicet, I. B. miles, modo mādāt quod ipse virtute brevis illius sibi directi vicesimo quarto die No. ultimo præterit', habere fecerit p'f. R. & R. plenariam seisinam de manerijis, tenementis, & redditu prædictis, cum pertinentijs, prout per breue illud sibi preceptum fuit &c. quia omnia & singula ad requisitionem prædicti R. & R. tenore presentium duxim' exemplificandum. In cuius rei testimonium sigillum nostrum ad breuia in banco prædicto sigilland', deputat', presentibus apponi fecimus. Teste &c. Ann' Regni nostr' &c.

Ad admittimus potestatem to take knowledge of a warrant of Attorney of the vouchee.

Sec. 15.

Rex & Regina dilecto & fideli suo Ra. Ro. seruianti ad legem salutem. Cum breue nostrum de ingressu super disseisinam in le post pendeat coram Iustic' de Banco in W. S. & R. C. gener' peten', & G. T. milit' dominum T. de fore', de Manerio de W. cum p'tin' ac de vno messuag' ducent' acris terræ 60. ac' prati, 100. ac' pastur', 100. acris bosci, 50. ac' more', et quinque solidas reddit' cum p'tinen' in W. & L. in com' Salop', & prædict' G. in plena Cur' nostr' ibidem coram Iustic' nostris prædict' comparens vocauit W. C. ad war' ei Maner' prædict' cum p'tinen', super quo tunc et ibidem emanauit breue nostrum de suū ad war' vic' com' prædict' direct' vers' eund' W. C. returnabile cor' Iustic' nris p'd' in quindena S. Hill' prox' futur'. Et quia prædict' W. C. adeo impotēs sui & senio confect' existit q' vsque West. cor' Iustic' nostris p'd' ad diē in dicto breui nostro de suū ad war' content' laborare non luffit' vt accepimus. Nos statui' eiusd' W. compatiētes in hac parte. Dedit vobis potest' & plen' author' Attorn' vel attorn' quē vel quos idem W. C. ad war' vocand' lucrand' vel perdend' in placito prædicto coram Iustic' nris p'd' loco suo coram vobis ponere aut constituere voluerit recipiend', Nosque inde in Cancel' nostra de nomine huiusmodi Attorn' vel Attornator debet' certificand'. Et ideo vobis mandamus quod ad pref. W. C. si cōmod' ad vos laborare non suffic'it personaliter accedat', Attorn'q; suū vel Attorn' suos coniunctim vel diuisim in forma prædict' recipiat', Et cū Attorn' illum vel Attorn' illos sic receperitis, nos inde in Canc' nostr' in xx. S. Hillarij vbicunq; tunc fuerit sub sigillo vestro debite certificetis, hanc breue nobis remittentes. T. &c.

It is returned thus.

Respond infranominat R. R. ad hoc breue.
Execuc' istius breuis patet in quadam schedula
huic breui annex' R. R.

Solo p. ff. **P**Recipe G. T. militi domin' T. quod iuste &c. reddat W.
S. & R. C. maner de W. cum pertinentijs ac vnum mes-
suag' &c. (vt sup' in le Dedimus potestatem verbatim cu
pertineh in W. & L. quæ clamat &c.

Solo p. ff. **V**Oc' ad war' po: lo: suo A. B. & F. R. coniunctim & diui-
sim versus W. S. & R. C. de placito terrar.

Cap' & recogñ apud Firbeck in cosu Eborum decimo die Febru-
arij, Anno Regni domine nostræ Eliz. &c. 36.

Ra. Ro.

*Dedimus potestatem de attorn' rec' in breui de ingressu super dissei-
sinam in le post pro tenent'.*

Rex dilecto & fideli suo H. W. militi, Salutem. Cum per breue no-
strum de ingressu super disseisinam in le post pendens coram Iu-
stic' nostris de communi banco nostro inf H. D. & T. H. de xx. ac ter-
ribus acris prati, & xij. acris pasturæ cum pertinentijs in M. in com-
itatu N. Et quia idem T. adeo impotens & senio confect' existit quod
absque maximo corporis sui periculo coram Iusticiis nostris predictis
ad diem in dicto breui nostro contentum laborare non sufficit, vt acce-
pimus. Nos statui eiusdem T. pie compatiens in hac parte, dedimus
vobis plenam potestatem & auctoritatem attorn' vel attornatos coniun-
ctim vel diuisim, quem, vel quos idem T. ad lucrand' vel perdend' in
placito predict' coram Iustic' nostris predict' loco suo coram vobis pone-
re aut constituere voluerit recipiend', nosque inde in Canc' nostra de no-
min' huiusmodi attorn' vel attornatorum debite certificand'. Et ideo
vobis mandamus quod ad pref T. si commode ad vos laborare nō suffi-
ciar personaliter accedatis, attornatumque suum vel attornatos suos cō-
iunctim & diuisim in forma predict' recipiat. Et nos in Canc' nostra de no-
mine hñdi attorn' vel attornatorum ipsius T. in Craft' Sancti I. proximi
futur' vbicunq; tunc fuerit sub sigill' vestro debite certificetis hoc breue
nobis remittentes, T. 25. die Aprilis Anno regni regis &c.

Secl. 16.

It is returned thus.

Respondend infranominat H. W. ad hoc breue, execuc' i-
stius breuis patet in quadam schedula huic breui annex'.
H. W.

Solo p. ff. **P**Ræcipe T. H. quod iuste &c. reddat H. D. 20. acras
terre &c. vt supra in le Dedimus potestatem verbatim,
L. iij. cum

Recoveries.

cum pertinentijs in M. quę clamat &c.

Potest. T. H. pos: loco suo A. B. & F. R. coniunctim & diuisim versus H. D. de placito terre.

¶ Capta & cognita apud Firbecke in com: Ebor: decimo die Februarij, Anno regni domini nostri Ia. &c.

H. W.

*Aliud breue de Ded: potest: rec: attorn: ten: super
breue de ingressu.*

Sect. 17.

R Ex reuerendo in Christo patri Cuthberto Episcopo D. & W. B. Salutem. Cum breue nostrum de ingressu super disseisin' in le post pendeat coram Iustic' nris de Banco inter A. B. milit' petentem, & C. D. armig' tenentem de quarta parte Manerij de F. cum pertin' ac 800. acris terre, 20. acf prati, 220. acf pastur, 300. acris bosci, et quadragint lib: reddit cum pertin' in E. pred' in com: Essex. Et quia idem C. adeo impotens sui & senio confect' existit q' absq; maximo corporis sui periculo vsq; Vult ad diē in dicto breue cōtēnt ad personaliter cōparend' & ad id quod in eod' tunc ibidem fieri expediens foret faciend' & agēd', labore non suffic', vt accepimus. Nos statui eiusd' C. compariētes in hac parte, Ded' vobis & vtriq; vrm coniunctim & diuisim plen' potest' & autho' recipiendi Attorn' vel Attorn' predi' C. quē vel quosidem C. personalit' cor' vobis vel vno vrm versus pf. A. in breui pdi' pendeñ coram pf. Iustic' nris loco suo ponere, attornare, vel constituere voluer' ad placita placitand', warf vocand', lucrand' vel perdend' in breui illo. Et ideo vobis & vtriq; vrm coniunctim & diuisim mandamus quod ad pf. C. si comod' ad vos laborare non sufficiat, personaliter accedentes, Attorn' vel Attorn' quem vel quosidem C. personalit' cor' vobis vel vno vrm in breui pdi' coram pf. Iustic' nostris pendeñ versus pref. A. ad placita ibidem ad pref. terminum placitand' warf vocand', lucrand', vel perdend', loco suo ponere attorn' & constituere voluerit, recipiatis vel vnus vestrum recipiat. Et cum attorn' vel attorn' huiusmodi sic receperitis, vel vnus vrum receperit, nos in Canc' nostra de nomine vel nominibus hñdi attorn' vel attornatorum ipsius C. in Oñt' Sancti Hill' prox' futur', vbicunq; tunc fuerit, sub sigillis vestris vel vni' vrm debite certificetis, vel vni' vrum certificet, hoc breue nobis remittentes, T este &c.

** The forme of a Reuerie with single voucher.*

P Recipe S. H. quod reddat A. B. & C. D. 40. messuagia cum pertin' in G. D. R. &c.

Pred' S. H. po: loco suo R. F. & T. N. coniunctim et diuisim versus pred' A. B. & C. D. in placito terre.

W. A.

W.A. quem prædict' S. H. vocat ad warrantiam ponit loco suo G. M. & T. F. coniunctim & diuifum verſus prædict' A. B. & C. D. in placito terræ.

Prædict' A. B. & C. D. ponunt loco ſuo R. C. & F. C. coniunctim & diuifum verſ. præd' S. H. in placito terræ.

A common Recouerie had by diuers againſt one, of diuers manors &c. within the Countie of Palatinate of Cheſter, before the Iudges of the ſhires or Counties.

DE placitis com' Ceſtriæ apud Ceſtriam coram T. E. af, filio T. E. Sec't. 18. militi Iuſtic' doſm Reg. ibidem die martis proximi poſt feſtum exaltationis Sanctę Crucis Anno regni Regis Henrici octauo poſt conqueſtum Anglię octauo.

R. E miles, P. D. miles, I. S. filius & hæres apparens T. S. de W. T. S. filius & hæres appaens R. S. de S & G. L. capellanus per Th. B. attornat ſuum in curia dñi Regis hic petunt verſ. H. S. de O. aſm manet de O alias O, cum pertinentijs & 14. meſſuag' &c. vt ius & hereditatem ſuam, & in quæ idem H. non habet ingreſſum niſi poſt diſleiſin' quam Th. Cur inde iniuſte et ſine iudicio fecerit præf. R. P. I. T. & G. poſtquã I. Scoticus fact' fuit comes Ceſt' &c. Et vnde ijdem R. P. I. T. & G. dicunt quod ipſi ſmet ſueſ ſeiſiti de eiſdem maner', meſuag', terris, præf, paſt, boſc', turbaſ, moſſet, & reddit cum pertinen' &c. in dominico ſuo vt de feod' tempore pacis tempore domini Regis nunc capiend' inde expleciones ad valenc' &c. Et in quę &c. & inde produc' ſectam &c.

Et præd' H. S. aſm in propria perſona ſua ven' & defendit ius ſuum quando, et vocat ad war' T. N. qui præſens eſt hic in curia in ppria perſona ſua & gratis eiſd' H. S. maner', meſſuagium, terr', tenement', præf, paſtur, boſc', turbaſ, moſſet, & reddit, & medietatem manij de E. ſuperius pet' cum pertinen' warrantizat. Et ſuper hoc præd' R. P. I. T. & G. petūt verſus eundem T. N. teñſ p warrañ ſuam præd' man'ũ, meſſuag' &c. & medietatem manerij de E. cum pertinen' in forma præd' &c. & vnde dicūt quod ipſi ſmet fuerunt leiſiti de eiſdem maner', meſſuag', terr', præf, paſtur, boſc', turbaſ, moſſet, reddit, et medietat' manerij de E. cum pertinen' in dñio ſuo vt de feodo, tempore pacis tempore dicti dñi regis nunc capiend' inde expleciones ad valenc' &c. Et in quę &c. Et inde producunt ſectam &c.

Et præd' Th. N. tenen' per warrant ſuam defend' ius ſuum quando &c. Et dicit quod præd' T. C. non diſleiſiuit præf'at R. P. I. T. & G. de prædict' manerio, meſſuagio, terr', præf, paſtur, boſc', turbaſ, moſſet, & reddit, & medietat' manerij de E. ſuperius pet' t cum pertinentijs modo & forma preut prædict' R. P. I. T. & G. per breue & narrari-

Recoveries.

rationem suam predict' supponunt &c.

Et præd' R.E.P.D.I.T. & G. petunt licenc' inde interloquendi hic &c. & habeant. Posteaque isto eodem com' hic &c. præd' R.P.I.T. & G. per Attornat' suum præd' reuen' in cur' domini Regis &c. Et præd' T.N. tenen' per war' suam licet solemniter exact' non reuenit sed in cōtemp't' cur' hic recessit & defalt' fecit. Ideo considerat' est per Iuratores com' præd' q' præd' R.E.P.D.I.T. & G. recuperarent seisinam suam versus predict' H.S. de prædict' man', messuag', terr', præf', past', bosc', turbar', mollet', reddit', & medietat' manerij de E. superius peti' cum pertinētijs. Et quod idem H. habeat de terra præd' T.N. ad valenc'. Et idem T.N. in misericordia.

A common Recovery by diuerse before the Iustice of Chester, and Judges of the same Countie of a Manor &c. Tempore H.8.

Sect. 19.

DE placitis com' Cestrie apud Cestriam coram T. E. a' filio T. E. mil' Iustic' domini Regis ibidem die Martis in prima Septimana quadragesim', Anno Regis H.8. 21.

R.B.V.B.B. filij R.B. mil' O. B. H. D. filius & h'eres R.D. armig' defunct' D.D. de E. & R. C. capellanus per Th. B. attornat' suum in curia domini Regis hic petunt versus R. D. capellā & T. H. de ciuitate C. maner' de W. cum pertinentijs, 30. messuag', vnum molēdinum aquaticum, 500. ac' terre, 400. acras præf', 200. acras pastus, 100. acras bosci, 30. ac' turbarie, 40. acras terre aqua cooperf', & xl. li. reddit' cum pertinent' in W. & O. vt ius et hereditatem suam & in que i'dem R. & T. non habent ingressum nisi post disseisin' quam T. C. iniuste & sine iudicio fecit pref. R. W. B. &c. postquā I. Scoticus fact' fuit comes Cest' &c. Et vnde i'dem R. V. B. &c. dicunt quod ipsimet fuer' seistiti de eisdem maner', messuag' molendino terris præf' past' bosc' turbar' terr' aqua cooperf' reddit' cum pertinētijs in dominico suo vt de feodo tempore pacis tempore domini regis nunc capiend' inde expleciones ad valenc' &c. Et in quæ &c. & inde pduc' se'ctam &c.

Et præd' R. D. & T. H. in proprijs personis suis ven' & defendunt ius suum quando &c. & vocant inde ad warran' W. M. arm' qui præsens est hic in curia in propria persona sua & gratis maner', messuagium, molendin', terr', præf', past', bosc', turbar', terr' aqua cooperf' p'd' eid' R. D. & T. H. warrantizat &c. Et super hoc p'd' R. W. B. &c. petunt versus ipsum W. M. arm' tenē p' warrantiā suam, pred' manerium, messuag', molend', terr', præf', past' bosc', turbar', terr' aqua cooperf', et reddit' superi' peti' cū p'tin' in forma p'd' &c. & vnde dicūt q' ipsimet fuerūt seistiti de eisdem maner', messuag', molēdin', terr', præf', past', bosc', turbar', terr' aqua cooperf' et reddit' cū p'tin' in dñico suo vt de feodo tēpore pacis tēpore dict' dñi regis

min.

nunc capiend' inde expleciones ad valenc' &c. Et in que &c. Et inde producant scilicet &c.

Et pre' W. M. armiger tenens per warrant' suam defendit ius suum quando &c. & vocat inde ad warrantiam Th. Needham qui prefens est hic in cur' in propria persona sua et gratis manerium messuag' molend' terr' prae, pastur, bosc', turba', terr' aqua cooper' & redd' pre' cum pertin' eidem W. M. warrantizat &c. Et super hoc pre' R. W. B. &c. petunt versus ipsum Th. Needham tene' per warrant' suam pre' maner' messuag' molend' terr' prae, pastur, bosc', turba', terr' aqua cooper' & redd' superius petis cum pertin' in forma pre'. Et vnde dicunt quod ipsimet fuerunt seisis de eisdem maner' messuagijs molend' terr' prae, pastur, bosc', turba', terra aqua cooper' & redd' superius petis cum pertin' in dominico suo vt de secundo tēpore pacis, tempore dict' domin' Regis nunc capiend' inde expleciones ad valenc' &c. Et in q' &c. Et inde producant scilicet &c.

Et pre' Th. Needham tene' per warrant' suā defendit ius suum quādo &c. Et dic' quod pre' Th. Cutte non disseisuiat prae dict' R. W. B. &c. de manerio, messuagio, molendino, terr', prae, pastur, bosc', turba', fr' aqua cooper' & redd' cum pertin' modo & forma prout iudex R. W. B. &c. per breue & narrationem suam superius supponunt &c.

Et pre' R. W. B. &c. petunt licentiam inde interloquendi hic &c. Et habent &c. Posteaque isto eod' cōm hic &c. iudex R. W. B. &c. per pre' Attorn' suum reuen' in cur' domini regis &c. Et pre' T. N. tene' per warrant' licet solemniter exact' non reuen' sed in contemptū curiae hic recessit & defalt' fecit &c. Ideo concessum est per Iudicatos cōm p'd quod p'd R. W. B. &c. recuperarent seisinam versus pre' R. D. & T. H. de pre' manerio messuagijs molendin', terr', prae, pastur, bosc', turba', terr' aqua cooper', redd', superius petis cum pertin' &c. Et quod pre' R. D. & T. H. habeant de terr' pre' W. M. ad valenc' &c. Et quod idem W. M. habeat de terris pre' T. N. ad valenc' &c. Et idem T. N. in mīa &c.

The like common recouerie in the said Countie of Chester to the next before, and of the same manor & lands in the time of the said king.

DE placitis cōm Cestrie apud Cestr' coram T. E. arm' filio T. De. milit' Iustic' domini regis ibm die Matris post festum de collationis sancti Iohannis Baptistae, Anno Regis H. 8. post conquestum Anglie 21. Sect. 20.

R. B. de Cestr' R. B. W. B. B. filij R. B. milit' & O. B. p T. B. Attorn' suum in curia domini Regis hic petunt versus W. M. arm' maner' de W. viginti tria messuag' vnum molendinum aquae, trescen' ac' terrae,

Recoueries.

terre, viginti ac' prati, centum acras pascu', quadraginta acras bosci, decem ac' turbar', & decem acras terre aqua cooperit cum pertin' in W. M. h. & W. vicius & hereditas suam, & in quaz idem W. M. non habet ingrellum nisi post dissensionem quam T. C. inde iniuste & sine iudicio fecit pre'tas R. R. W. B. & G. postquam I. Scoticus factus fuit comes C. &c. Et vnde idem R. R. W. &c. dicunt quod ipsimet tuerunt seisis de eisdem maner', melluagijis, molend', terr', pascu', pascu', bosci', turbar', & terra aqua cooperit cum pertin' in dominio suo vt de feodo tempore pacis tempore domini regis nunc, capiend' inde expleciones ad valenc'. Et in quaz &c. Et inde producant sect' &c.

Et pred' W. M. in propria persona sua venit & defendit ius suum quando &c. Et vocat inde ad warrantiam T. N. qui presens est hic in cur' in propria persona sua, & gratis eid' W. M. Man' & teinta pred' cum pertin' warrantizat. Et super hoc pred' R. R. W. &c. petunt versus ipsum T. N. tenen' per warrantiam suam &c. Maner' & teinta pred' superius peti' cum pertin' in forma pred' &c. Et vnde dicunt quod ipsimet tuerunt seisis de eis' ten'is cum pertin' in dñico suo vt de feodo tempore pacis, tempore dict' regis nunc capiend' inde expleciones ad valenc' &c. Et in quaz &c. Et inde producant sectam &c. Et pred' T. N. tenens per warrantiam suam defendit ius suum quando &c. Et dicit quod pred' T. C. non disseisuit pred' R. R. W. &c. de ten'is pred' cum pertin' modo & forma prout ipsi per breue & narrationem suam superius ponunt &c.

Et pred' R. R. W. &c. petunt licentiam inde interloquendi hic &c. & habent &c. Posteaque isto eodem com' hic &c. idem R. R. W. &c. per Aturnas suum pred' reuen' in curia domini regis. Et pred' T. N. tenens per warrantiam suam licet solemniter exat' non reuen', sed in contēptu curie hic recessit & defaltam fecit: Ideo concessum est per Iudicatos com' pred' quod predict' R. R. W. B. & O. recuperarent seisinam suam versus pred' W. M. de ten'is pred' superius peti' cum pertin' &c. Et quod pred' W. M. habeat de terris pred' T. N. ad valenc' &c. Et idem T. N. in misericordia &c.

SYMB.

SYMBOLEOGRAPHY, Of Indictments and Offences.

Of Indictments.



N Indictment is a bill or declarati- Sect. 1.
on made in forme of Law (for the benefit of the
common wealth) of an accusation for some
offence, either Criminall or Penall, exhibited
vnto Iuroz, and by their verdict found and
presented to be true, before an Officer having
power to punish the same offence. And such an
Indictment is made to the end to compell the

partie accused to answer thereunto.

In euery indictment two things seeme principally to bee conside-
red: first, the verie offence, for reformation whereof this indictment is
framed. And then the right forme of the Indictment it selfe, according
to the distinct qualitie of euery severall offence.

Wherefore, as in my treatise of Extraiudiciall Symboleography, I
hane first discoursed how Obligations spring of consent, & then disclo-
sed the severall formes of Instruments thereof: So in this I hane
thought good first briefly to vnfold the sundrie natures of offences, &
defaults, and how they bind the offender. And then to lay downe the
doctrine and severall formes of Indictments concerning the same.

Offence.

A offence therfore, is a fact done vnlawfull and forbidden by na- Sect. 2.
ture or law, whether the same be in committing or omitting, wher-
of thone for learning sake, may fitly be termed an offence, and thother
a default, for in Law, thought is free from offence.

Indenour.

But so is not indenour many times, because therein, is guile & pur- Sect. 3.
pose to offend.

Offence publike and priuate.

And euery offence is of the state publike, or priuate, and is thereof Sect. 4.
so termed.

The description of both which offences, is drawn sometime from the
manner of doing: but may perchance moze fitly bee taken from the ob-
iect which is hurt, vnlesse some thinke good to conioyne them both.

Sympa-

Indictments, and

Sympathie betweene the common wealth and her members.

Sect. 5.

For certes, when a private person is offended, it cannot lightly be denied, but that the common wealth is thereby also offended, and to gaine, the common wealth being endamaged, how can it be chosen but every Subject thereof is also affected, as being a member of the same.

So great a Sympathie and mutuall suffering being in them, as betwixt the head and members of a naturall body.

But in as much as some offences done, more merely respect private wealth, and some other more merely the weale publique, those be termed private, and these publique.

Offence publique and private.

Sect. 6.

A Publike offence, is a grievous fault committed against the common wealth. A private offence is an offence against the wealth of a private person.

Offences blinde.

Sect. 7.

Every offence of his own nature maketh the offender bound to the common wealth, or to a private person, or to both, & not only they which actually commit offence, but they also which command, persuade counsel, procure, abet, aid or consent that an offence be perpetrated, or conceale it being done, are censured to offend.

Offences named and unnamed.

Sect. 8.

And offences are either named or unnamed. Offences named be such offences as have certaine names in Law.

Offences unnamed.

Sect. 9.

Vnnamed offences be those which albeit they bin committed, yet have they no certain name set forth in our law, whereby they may be called.

Offences named.

Sect. 10.

Again offences named be either our owne or other mens faults, by which we are bound, and they have a certaine name in law, whereby to be termed.

Offences simple.

Sect. 11.

Our owne proper offences be either simple or mixt. Our simple offences be such as be committed by our own sayings or deeds.

Offences mixt.

Sect. 12.

And the mixt be those which be committed by words and deeds both together.

Offences by word.

Offences

Offences by sayings only, be they be which the minde, dignitie, or fame of another man (which is compared to life) is hurt & not his bodie, and these are also done by counsaile & contumelious words. Sect. 13.

Counsaile.

By Counsaile, as throught wicked perswasion. Sect. 14.
Wicked perswasion is fraudulent counsaile giue to any, whereby his minde is corrupted and made woode to do or attempt any thing, naughtily: which yet doth not induce necessitie to do the thing, though it kinde him that giueth such counsaile.

Offence by contumelious words.

An offence or crime by words, is when throught peruerse words, the good name, credite, or dignitie of a man is impaired. Sect. 15.

Slander.

As it is either by voice or writing, and is called Slander, which is either against God or man. Sect. 16.

Slander against God.

Slander against God, is whereby the Maieitie diuine is euill spoken. Sect. 17.
Such as this sort be blasphemie, paganie, heresie, apostasie, & peruerse.

Blasphemie.

Blasphemie is a wicked saying, or slander, pronounced against God touching his essence or word revealed. Sect. 18.

Magicks.

Magicks be those which by vitering of certaine superstitious words conceived, aduerture to attempt things aboue & course of nature, by bringings forth dead mens ghosts, as they falsly pzetende, in the wing of things either secret or in places far off, & in the wing the in any shape or likenes. These wicked persons by oth or writing written with their own blood, hauing betoken themselves to the deuil, haue forsaken God, and broken their covenant made in baptism, and detect the benefits thereof, & worship the diuel only: And setting their whole hope in him, doe execute his commandements, and being beade, commend both their bodies and soules vnto him. Sect. 19.

South saying Wizards.

Of this kinde of pagitians, be al those which in sue, as south sayers or wizards which diuine & sozetal things to come & raise vp evil spirits by certain superstitious & concealed sozms of words. And such such words as be demanded of them, be answer by voice, or else set by their ries in glasse, crystal stones, or ringes, the pictures or images of things sought for. Sect. 20.

Divination.

The professors of that of Divination which be puffed vp with prophesying Sect. 21

Indictments, and

phising spirits. And can manifest who hath stolne things, & tell what things lost or stolne be.

Ingling.

Se^{ct}. 22.

Inglers and sleightie Curers of diseases which for the curing of all sicknesses and sores of man and beast, vse either certaine superstitious wordes or twittings called charms or spels hanged about the necke or some other part of the body.

Inchantings and Charming.

Se^{ct}. 23.

Inchanters or Charmers through certain wordes pronounced & characters or images, herbes or other things applied, think they can do what they list, the diuell so deceiveth them, or in very deed dispatcheth those things which the Inchanters would haue done: fro these some what differ witches or hags, & Augurers or Southslayers by birds, diuiners by seeing thintrals of beastes sacrificed.

Witcherie.

Se^{ct}. 24.

A witch or hag, is she which being eluded by a league made with the diuell through his perswasion, inspiration and ingling thinketh she can bestow what manner of euil things soeuer, either by thought or imprecation, as to shake the aire with lightnings & thunder, to cause haile and tempests, to remove green cozne or trees to another place, to be caried of her familer which hath taken vpon him & deceitfull shape of a goats, swine, or calf &c. into some mountain far distant, in a wonderfull short space of time. And sometimes to lye vpon a staffe or staffe, or some other instrument. And to spend all the night after with her sweet hart, in playing, sporting, baqueting, dancing, baliance, & diuers other diuelish lusts, and lewd disports, and to shew a thousand such monstrous mockeries.

Heresie.

Se^{ct}. 25.

Heresie, is a resolute & obstinate error in some article of our Christian faith, 2. Tim. 4. 1. 2. Pet. 2. 1. 1. Cor. 11. 19. Rom. 16. 17.

Anabaptisme.

Se^{ct}. 26.

Amongst Heretikes are numbred Anabaptists, which wickedly iterate holy baptism, with hainous offence is veris greuous, as by which the maiestie of Almighty God, & the promise which in the first baptism was effectuall, are violated.

Apostasie.

Se^{ct}. 27.

Apostasie followeth which is a forsaking of the Christian faith. And Apostasie happeneth two waies, either when any man partly revolteth fro true religion into a wicked sect retaining still the name and title of Christianity, or when he contrarie wile of the Jew or Pagan to please him, that he wholly forsaketh the profession of the Christian both in name and substance.

Peru

Perjury
Perjury is a lie affirmed by oath.
So much of slanderous speeches against God.
Slander against man by word. Sect. 28.

Slander against man is to an injury done to him by words or writings. By words when any thing is said or done by words to the contempt or reproach of another. Sect. 29.

By writing.
Injury by writing is done by a slanderous libel or picture. Sect. 30.

By libel.
Aslanderous libel is when a libel, epigram, rhyme, or other writing, is produced, written, or composed to the note or contumely of any man, or the same procured to be bought or sold, that by y means indignitie or fame of another man may be hurt. Sect. 31.

By picture.
An infamous or slanderous picture, is when any man to his injury or ignominy is painted in any infamous or dishonest habit or sort, as hanging upon the gallows, or in some euill place or manner. The same sheweth thoffences committed by words, by which a mans name or dignitie is harmed: let vs now hasten to those which are done by deeds. Sect. 32.

Offences by deeds.
As they be said to be done by deeds, not because they are not also of minde and purpose: but for that they chiefly consist in the fact without which it may vnneth be iudged of their punishment. And for that such offences are not perpetrated against the minde, but the body either of man or his goods, whether it be done mediatelie or immediatly. Offences by deeds either altogether destroy a thing, or at y least impair the same. Sect. 33.

Destruction.
Destruction is the utter killing or corrupting of things. Sect. 34.
And it is either of a fact permanent and apparent: or transitory and during but a little while.

Facts Permanent.
A permanent fact, is that whose very steps and prints abide, & are to be seen after thoffence done: of this kinde be slaughter and burning. Sect. 35.

Slaughter.
Slaughter is a killing done by any meanes, and it is either of man or beast. Sect. 36.

Homicide.
The slaughter of mā is called homicide, which is enery taking away of life from any person bond or free, by mā done with violence, by Sect. 37.

by which the soule is severed from the body, by what manner of means so ever it chance, whether by sword, staffe, or other weapon, or by be nim or poison, the cause of death be given.

Voluntarie.

Sect. 38.

Homicide is either voluntarie or casuall.

Homicide voluntarie is that which is deliberate and committed of a set minde and purpose to kill.

Malicious.

Sect. 39.

Homicide voluntarie is either without precedent malice, or with precedent malice.

Of Homicides voluntarie without malice precedent, some are commanded, and some tollerated by law, and others sozbidden.

Commanded.

Sect. 40.

Homicides voluntary commanded by law are such as are done either for iustice sake, or upon urgent necessitie.

For iustice.

Sect. 41.

Homicide for iustice sake, is thinstrating of ordinary punishment upon heinous offenders by death, which is dispunishable, yet in this case it becometh the Judge, and other officers to be free from desire of blood and private reuenge.

Necessarie.

Sect. 42.

Homicide upon necessitie is either in the due & orderly execution of iustice, as the killing of offenders in felonie which resist the officers hauing warrant to arrest or detaine the, or persons purchasing them with hue and crie, or riotors resisting Justices of the peace, which come to arrest the, or prisoners resisting their gailors, if such offenders cannot otherwise be attached or holden. So is it of persons riotously assembled resisting persons, authorized to apprehend the, 1. Mar. ca. 12. And likewise of offenders in parks, forests, & warrens, resisting or flying away after hue & crie, 2. Ed. 1. and Burglers and Robbers: all which homicides are dispunishable, 2. 6. Aff. 3. 1. and diuers other in like cases by sundrie statutes.

Se defendendo.

Sect. 43.

Homicide upon necessitie in ones own defence is termed Se defendendo, & is where any man being assaulted by any other, flieth so farre as he can without inenitable danger of death, and then in defending himself killeth his aduersarie, yet for this offence he loseth his goods, and must procure pardon for his life, Glouc' cap. 9. 43. Aff. 3. 1.

Forbidden.

Sect. 44.

Homicides voluntarie sozbidden by Law, without precedent malice, is manslaughter or homicide, or by chance medley, which is where two men void of all former malice and enill will, meeting together

ther by chance, and upon sudden falling out, none of them killeth the other with violence, neither for justice, nor in case of necessity, Plow. fol. 100. & 101. 21 H. 7. fol. 23.

Homicide malicious.

Thus much of voluntarie homicides without malice precedent, Sect. 43.
Note of homicide voluntary of malice proceeding, which is termed murder, and is the felonious killing through malice premeditated of any person living in this realm under the Kings protection.

Of a mans selfe.

And it is either of himselfe, or of another.
Homicide of the party himselfe, is termed selfe deede. And is Sect. 46.
where any man of hatred conceived against himselfe, doth desperately, wilfully, and feloniously kill or destroy himselfe by hanging, drowning, poisoning, or otherwise.

Murder.

Murder of others then the selfe party, is the like malicious and felonious killing of any other of premeditated malice. And if it happen, Sect. 47.
do; and owe by Law unto the party slaine any civil obedience, it is in some cases termed petit treason. As, if the wife kill her husband, the servant his master or mistress, or a Clerke his Ordinarie by reason of the reciprocal trust and loyalty which the Law requireth betwene such persons, and this offence is therefore farre more heinous then any of the other homicides.

Homicide casual.

Thus briefly of Homicides willingly done: homicide casual, which Sect. 48.
may also be termed homicide by mischance, misfortune, or misadventure, is, when he that killeth another, had no will, intent, murther, or purpose so to doe, or the man is slaine by some other thing then a man. In which case the offender is to have his pardon of course for life and land, but yet must lose his goods. And this homicide is either merely casual or mist.

By Chance.

Homicide by mere chance, is, when by mere fortune against the Sect. 49.
will of the killer, a man is slaine. As if one hewing, be are slaine off the hest, and kil one, or if a man lopping a tree, waitheth the by-standers, that the tree is ready to fall, & yet by the same some of them is slaine, or in throwing tiles from an house, or such other lawful acts, or the partie is killed by some other thing then man by misfortune, as by falling from an horse or cart, by a stroke of an horse, or any other honorable thing then man. In which case, the thing which killed him, and all things that moved the same, are forfeited to the King, and termed a Deodand, as if a cart-wheele go over a man and kill him, the

Indictments and

whole cart, and all things therein, and the horses that be in the same, be all Deodands. 3. Ed. 3. unde verius.

Omnia quæ mouent ad mortem, sunt Deodanda, Dyer fo. 78. pl. 37.

Mixie.

Sect. 50. **M**ixie is, when the killers ignorance or negligence is ioynd with the chance, as if a man loppe trees by an high way side, by which many usually trauaile and fall downe a bough, not giuing warning to take heed thereof, by which bough, one passing by is slaine, in which case he offendeth, because he gaue no warning, that the party might haue taken heed to himselfe.

Thus you see the diuers kinds of Manlaughter.

Slaughter of beasts.

Sect. 51. **T**he slaughter of beasts followeth, by what meane soener it cometh, which is a damage done by injury and wrong, guile or fault against the Law, which might or ought to haue bene taken heed of. Of this offence springeth an action to the owner of the beast, according as the value thereof shalbe esteemed by a Iurie.

Burning.

Sect. 52. **T**hus sort of slaughters of man and beast: burning in sort, which is also felony, as the wilfull burning of a dwelling house, 3. H. 7. 10. And burning of a barne adioyning to a dwelling house by night, 11. H. 7. fol. 1. And burning of a barne with cozne, not adioyning to a dwelling house by day.

Offences transitorie.

Sect. 53. **A**nd these concerning offences of continuing facts, those follow which are of transitorie or momentary facts, as vnlawfull copulation, burglary and theft.

Adultery and fornication.

Sect. 54. **V**lawfull copulation is euery carnal coniunction had out of lawfull matrimony, and it is termed fornication or adultery, which is first either naturall, or against nature, and either voluntarie or violent. Fornication naturally committed, is betwene man & woman, which if it be perpetrated betwene kinsfolks, is said to be incest. Copulation violent is termed a rape or ranshment of a woman against her will, which is carnall knowledge had of a woman, who neuer consented thereunto before the fact nor after, and this offence is felony in the principall and his aydoers, 11. H. 4. 15. 1. Ed. 4. 1. Westm. 2. cap. 13. And carnall abuse of a woman child vnder tenne yeres old, is felony, 18. Eliz. cap. 6.

Sodomie or buggerie.

Sect. 55. **C**opulation against nature, is by male or female against nature, or by female with female, or with beasts which is called Sodomy or buggie.

buggerie, 23. H. 8. cap. 5. 5. Eliz. cap. 17. which be felonie.

Burglarie.

Burglarie is a felonious entering into an other mans dwelling house, wherein some person is, or into a church, in the night time, to the end to commit some felonie therein, as to kill some man, or to steale some what thence, or to doe some other such felonious act there, albeit he execute not the same, if thintent or fast of this offence be to steale, this is like robbery, if to murder, it differeth not much from murder, and so of other felonies.

House-robbing.

The offence against the statutes of 23. H. 8. ca. 1. and 3. Ed. 6. ca. 9. somewhat resemble this, for by them it is ordained, that if any person doe robbe an other in any part of his dwelling place, or in his house, or tent, in any faire or market, and the owner or his wife child, or servants being within the same, he committeth felonie.

Theft.

Theft ensueth, in which not so much the destruction of a thing, as the taking away of the same chancessh.

Theft is an unlawfull felonious taking away of an other mans moveable personall goods, against the owners will, with intent to steale them. And it is from the person, or in presence of the owner, or in his absence.

From the person.

Theft from the owners person or presence, is of two sorts, the one putting the owner in feare, the other not.

Robberie.

Robberie is a felonious taking away of another mans goods from his person, or presence, against his will, putting him in feare, and with purpose to steale the same goods.

And this robbery is sometime termed violent theft, because the party is in the law thereby terrified.

Without feare.

Theft from the owners person, not putting him in feare, is by cutting or picking his purse, & stealing the money, or purse, or both: this is done sleighly, without the owners feare and punitie.

But to perfect this offence, an actall possession of the thing taken once severed from the person of the owner, seemeth necessary in the offence, and that the thing stolen exceed the value of twelve pence.

Theft of goods in the owners absence, is termed Larciny, which is nothing else but a felonious and fraudulent taking away of an other mans moveable personall goods, not being upon the person of the owner, nor in his presence. And Larciny in respect of the things stolen,

Indictments and

is either great or small: For, great Larceny is, when the things stolen, though they be taken in several times, exceed the value of twelve pence. And petty Larceny is, when the goods so taken exceed not the value of twelve pence,

Hurting and violence.

Sect. 62.

Now then crimes continuing from the destruction of things, being thus briefly run over: Let us cleave on to thother, which have their name of the hurting of the thing, and violent hurting destroyeth not the body, but harmeth and annoeth it, and maketh either the body, or the state and condition thereof worse.

Hurt to the body of the common-wealth, as treasons.

Sect. 63.

Although certaine offences is hurt to the common-wealth immediately and always, or the members thereof. The common-wealth is hurt, either in respect of the amplitude and maiesty thereof, or of the profit and commoditie thereof, which is hindered or intercepted.

When the Amplitude and maiesty thereof is harmed, the offence is called treason.

And these treasons be high treason, or petty treason: High treason is when the offence is done against the securitie of the commonwealth, or of the Kings most excellent Maiesty, who is the true and undoubted Sovereigne and chiefe head thereof: whether it be by imagination, word, or deed, as to compass or imagine Treason, or the death of the prince, or of the Daene his wife, or his sonne and heire apparent, or to discover the Kings wife, or his eldest daughter unmarried, or his eldest sonnes wife, or leuie warre against the King in his realme, or to adhere to his enemies, ayding them, or to counterfeite the Kings great seale, or privie seale, or money, or wittingly to bring false money into this realme, counterfeited like vnto the money of England, and vnder the same.

Or to kill the Kings Chauncello, Treasurer, Justice of the one bench, or of the other, Justices in Oke, Justices of Assise, Justices of Oyer and Terminer being in his place, and doing of his Office, 2. Ed. 3. cap. 2.

Forging of the Kings signe or pannel, or priue signet, priue seale, or sovraine coine current within this realme, 2. Mar. cap. 6.

Diminishing or impairing of money current, 2. Eliz. cap. 1. & 13. Eliz. cap. 1.

The second offence in relation to the oath of supremacy, 3. Eliz. cap. 1.

Or the compassing to depriue the King of his crowne, 1. Eliz. cap. 6.

Or to destroy the King, 1. Eliz. cap. 6.

Or to leuie warre within the realme against the King, 1. Eliz. cap. 6.

Or

¶ To affirme, that the King or the heires of his body, is not or ought not to be King of England, or that any other ought, 1. Elizab. cap. 6.

¶ To intending the bodily harme of the King, 13. Eli. cap. 1.

¶ To levy warre against the King, 13. Eli. cap. 1.

¶ To move forreine invasions of this Realme, 13. Eli. cap. 1.

¶ To declare, that the King is not King, 13. Eli. cap. 1.

¶ To declare, that any other ought, &c. 13. Eli. cap. 1.

¶ To affirme the King to be an Heretike, Schismaticke, Tyrant, Usurper, or usurper of the Crowne, 13. Eli. cap. 1.

¶ To claime the Crowne after the King, 13. Eli. cap. 1.

¶ To affirme, that the common Lawes or Statutes cannot binde the right of the Crowne, 13. Eli. cap. 1.

¶ To maintaine the authority of the bishop of Rome, 5. Eli. ca. 1.

¶ To obtaine any Bull from Rome, 13. Eli. cap. 3.

¶ To give, take, or promise absolution thereby, 13. Eli. cap. 2.

¶ To conspire to enlarge any imprisoned by the Kings commandement for treason touching his person, or suspicion thereof, 14. Elizab. cap. 1.

¶ To withhold any of the Kings castles or holds, 14. Eli. cap. 1.

¶ To any of his ships or donance of warre, 14. Eli. cap. 1.

¶ To not to render the same castles within six dayes after proclamation, 14. Eli. cap. 1.

¶ To destroy any of the Kings ships, 14. Eli. cap. 1.

¶ To barre any of the Kings havens, 14. Eli. cap. 1.

¶ To perswade any subject from naturall obedience, or religion: or to the obedience of any other, or to be so perswaded, 23. Eli. cap. 1.

¶ For Jesuits to come into, or be in this Realme, 27. Eli. cap. 2.

¶ To be a Seminarie, and not returne into this Religion, within six moneths after proclamation, and take the oath of allegiance, 27. Eli. cap. 2.

¶ It is also to be noted, that all manner of accessaries to the severall treasons above mentioned, are guiltie of high treason.

¶ Of misprision of treason, which is the concealment or not disclosing of knowne treason: for which the offenders are to suffer imprisonment during the Kings pleasure, lose their goods and the profits of their lands during their lives, 2. Ri. 3. fol. 9.

Offences hindering the commoditie of the Common-wealth.

Now succeed those offences which hinder the commoditie of the common-wealth. Sect. 64.

¶ 14.

¶ Etc

Indictments and

The profit of the common wealth is hindered divers wayes, as by
foreskilling, engrossing, regrating, by idleness of apprentices, artifi-
cers, and servants, decaying of the breed of beasts, destroying of fish,
by conspiracies of artificers and chapman, by not destroying of ver-
mine, as *Fores, Bawsons, Crows, Choughes* &c. *M* by making of
bittring any staffe, victuals, or wares deceitfull, corrupt, or insuffi-
cient, by not observing due weigh's and measures, or by transporting
of things needfull in England, as rawe hides, tallow, tallow, lead, coze,
or graine, by erecting of cotages, and byading of exceeding many poore
people, and by sundry other meanes, as plainly appereth by sundry
statutes and ordinaunces made for reformation thereof. *A*ll which
particularly to discourse, would occupie more time then I have now
determined to bestow about the same.

Foreskilling, is the buying or bargaining for any victuals or wares
comming to be sold towards any faire or market: *M* from beyond the
seas towards any city, port, haven, crake, or rode of this realme, and
beside the same be there.

M the moving of any person to enhance the price of the same vi-
tuals or wares, or the distwaving to bring it thither to be sold, *5. Ed. 6.*
ca. 14. 5. Eli. ca. 12. 13. Eli. ca. 25.

Regrating is the buying and selling of any wares or victuals in the
same market, or faire, or within foure miles thereof, *5. Ed. 6. ca. 14. 5.*
Eli. ca. 12. 13. Eli. ca. 25.

Engrossing, is buying of Cozne growing, or dead victuall to sell a-
gaine: except barley or malt, oats for oatmeale, and victuals to retails,
badging by licence, and buying of oyles, spices, & victuals, other then
fish and salt, *5. Ed. 6. ca. 14. 5. Eli. ca. 14. 13. Eli. ca. 25.*

Offences against Subiects.

Sect. 65.

*I*f these fewe have we touched such offences, as immediately and al-
wayes are committed against the common wealth it selfe: now will
we intreate of those which alwayes for the most part are perpetrated
violently against the inferior members of the same (that is to say) of
ther private men themselves, or their goods: which are effected partly
by force, and partly without force.

Force is an offence by which violence is used to things or persons.
And force is either simple or mixt.

Simple force is that which is so committed, that it hath none other
crime adioyned unto it. As if one by force onely entred into another
mans possession, without doing any other unlawfull act there.

Mixt force is that violence, which is committed with such a fact, as
of

off selfe only is criminall: as if any by force enter into an others possession, and kill a man, or rauish a woman there &c.

And those offences which are atchieued with force, are done by true force, or by force after a certaine sort.

Those offences which are finished by true force, are either done by men assembled, or without men assembled.

And force with men assembled is priuate or publike.

Priuate force is, when any with weapons by men assembled, doth invade the goods or body of another, as trespass by entering into ground, or taking his cattell, or other goods, imprisoning of a mans body, or beating of him with ones fist, or rescues of a trespass, pound breach, or otherwise without weapon, and such like.

Publike force is that violence which is done by any man assembled with any kind of weapon whatsoever, as by forcible entrie, keeping of possession of Benefices, Chappels, houses, or lands, or offices, unlawfull assemblies, routs, riots, rebellions against &c. 1. Mar. ca. 12. 1. Eli. cap. 17.

A forcible entrie is a violent actuall entrie into a house or land &c. or taking a distresse of any person weaponed. Whether he offer violence or feare of hurt to any there, or furiously drive any out of the possession thereof, 1. R. 2. ca. 7. 15. R. 2. cap. 2. 8. H. 6. cap. 7.

A forcible detaining or withholding of a possession, is a violent act of resistance by strong hand of men, weaponed with harnesse or other action of feare in the same place, or elsewhere, by which the lawfull entrie of Iustices or others is barred or hindered, 29. Aft. 49.

An unlawfull assemblee, is the meeting of three or more persons together, with force to commit some unlawfull act, and abiding still, not intending the execution thereof, as to assault or beate any person, or enter into his house or land &c.

A rout is an assembly of three persons or more, going on about forcibly to commit an unlawfull act, but yet doe it not, Brooke titulo Riot, 4. 5.

A Riot is the forcible doing of an unlawfull act by three or more persons assembled together for that purpose.

A rebellious assembly, is an assembly of twelve persons, or more, intruding, going about, practising, or putting in by unlawfully of their owne authoritie to chaunge anie Lawes or Statutes of this Realme, or to destroy the inclosure of anie Parke, or ground inclosed, or the banks of any fish-ponds, pale, or conduit, to thintent the same shall remaine void, or to thintent unlawfully to haue common or way in any of the said grounds, or to destroy the deer in any park, or any warren of conies, or dovehouses, or fish in any pond, or any house, barnes, mills,

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oꝛ baies, oꝛ to burne stacks of coꝛne, oꝛ to abate rents, oꝛ prices of bi-
tuals, 1. Mar. cap. 12. 1. Eliz. cap. 17.

Also by the same statutes an unlawfull assembly may be of persons
aboue the number of two : but that offence is neither so heinous, noꝛ
so sharpe to be punished.

It followeth how force may be committed without a multitude.
This kind of force comprehendeth euery harme, hurt, damage, losse,
hinderance, and danger besides death, happening to any goods, quicke
oꝛ dead, moueable oꝛ vnmoueable, oꝛ to men, either culpa oꝛ dolo, that
is negligently oꝛ unwittingly, oꝛ guilefully, oꝛ of set purpose, whether
it be assaulting, beating, wounding, maiming, oꝛ hurting, bꝛuising, oꝛ
impairing of the body of man oꝛ beast by any means : And the bꝛuising,
bꝛeaking, oꝛ impairing of any other thing whatsoener without a mul-
titude, also bꝛeaking of prisons to escape thence, bꝛeaking of houses to
steale something thence, oꝛ to do some felony there, which being in the
night is termed burglary, whereof we haue spoken before, entreating
of theft. In this ranke also may be placed the pulling vp oꝛ removing
of mæces, bounds, oꝛ markes, set foꝛ the diuiding of one mans land
from anothers, and many other such trespasses, wherein is none appa-
rant force oꝛ terroꝛ, as to hatwke, hunt, fish, oꝛ fowle, oꝛ to cut, rate,
treade, oꝛ soile grasse in an other mans soile unlawfully, 11. Ass. 16.
11. H. 8. 4. 16. 21. Ed. 3. 34.

Whitherto of offences done by true force indeed : now of such as are
not properly done with force and violence, but by intendment of the
law only : of which sozt be bzibery, extoꝛtion, exaction, pꝛiuate impi-
sonment, and certaine other like misdemeanoꝛs.

Those offences of bziberie, extoꝛtion, and exaction, are committed
when any foꝛ feare of his iudgement, office, oꝛ other power, oꝛ authori-
tie, oꝛ foꝛ any other terroꝛ exacteth, extoꝛteth, and wingeth money oꝛ
other things from another man, as Sherifes, Coꝛoners, oꝛ other offi-
cers, Auditoꝛs, Receiuers, Escheatoꝛs, custos breuium, Chirographers
of fines, Admirals, Marshals, Criers, Paioꝛs, Bailiffs, Clerks, war-
dens of Fellowshipes, Judges, Bishops, Ordinaries, oꝛ other Offi-
cers whatsoener : foꝛ reformation of which, see the severall Statutes
thereof, in that behalfe provided.

To this crew, as it seemeth, may be referred the exaction of unlaw-
full vsury : which is taking of any thing of any man foꝛ the lone, oꝛ gi-
uing day of payment of money, 37. H. 8. cap. 9. 13. Eliz. cap. 10.

And al unlawful games, which be all games, but shooting, 33. H. 8.
cap. 9.

And euery other taking of moze then is due by colour oꝛ pretence of
right, as by taking of excessive toll by Millers, oꝛ others, oꝛ of excessive
prices

prices for ale, bread, victuals, wares, or other things:

Offences springing from words and deeds.

So much then of single offences, springing from only words, or only deeds. Now follow those which issue from both together, as those which arise from the crime of falsehood. Sect. 66.

The offence of falsehood is a guilefull and fraudulent imitation of the truth against the law, and it is committed either by words or by deeds.

Falsehood by words, is by lying, as if any man should saie vnto him, telle a false name or surname, or say, he is another man then he is, to deceive some other: or by perjury which is a lie affirmed by oath.

Falsehood by deed is as if a man write or signe a false testament, or falsly set downe therein some legacie or trust to himselfe, without the mind of the testator, or if a man make a false deed, or accompt, or other instrument, or if he bribe or corrupt a Judge, or do raze, change, or corrupt any writing, to the defrauding of another man, or do conuey, remove, or take away, suppress, conceale, or falsly signe a testament or counterfeit another mans hand in writing, or to counterfeit or utter false money, or to adulterate, embase, thane, file, clip, wash, or empaire the currant coine of England, or counterfeit the hands of magistrates, and certificats, testimonials, or licences in their names, or to vse false weights, measures, or standards not agreeable with the standard. To corrupt or suborne false witnesses, To make false accompts or reckonings.

Whereto may we referre maintenance, & champerty and suits, imbroing or enueigling of Jurors, forging of false and fraudulent writings, making of fraudulent scottements, leases, and deedes of gift, or rather false graunts, or conueyances of lands or goods, to defraud true creditors, fraudulent conspiring of any mans death, to suow and undertake vpon one to defend other mens quarrels, to be patron to the causes of others, by lending of ones name for mard, or fauour of an offender, or to bere, pmooue, or reuenge.

Also falsly to collude in pleading, or to betray, or to lose his clients cause wittingly, or falsly discontinue and forsake his clients suite.

Other mens offences, and how farre they bind vs.

We haue intreated of our owne offences: other mens succeed, namely, when, and how farre we are bound by them. Sect. 67.

And we are bound by other in offences, when we are tied by the faults of our family, or of our beasts.

Our family offendeth by laying, or casting, or hanging of any thing in

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in the hightway, whereby it is stopped or hindred: which offence is called *Raifance*.

We are bound by many trespasses of our twines, but not to suffer no punishment for their offences.

Also if our beasts or cattel offend in eating other mens cozne or grasse, or in hurting or killing the beasts or cattels of other, we are bound by it, or if our dogs, beastes, or Lyons, boyes, &c. hurt the goods or cattell of any other, we are bound thereby, for that we ought to governe them.

Offences unnamed.

Sect. 68.

If though of named offences, it remaineth that we vie to those which be unnamed.

For when the variety of offences grew so manifold, that all could not be distinguished by speciall names, it was appointed that proper or speciall names aforesaid failing, the offence of cozening, and deceit, should come in place.

The offence of cozening taketh place, if any thing be done by guile, in, or out of contracts, which will not agree with any of the said offences, as if any vile collusion or fraud towards the death, or defrauding of an other, or shifting counterfeit ware into the place of others, or to exact a greater summe then is due, or a debt which is paid, or sell, or pledge any thing to two, severally at one time, or that thing which is another mans for his owne, knowing it to be another mans: or to pledge copper, or other base mettall for gold, or silver, &c.

Deceit is a subtle wylie shift or device having none other name. Hereunto may be devised al manner of craft, subtiltie, guile, fraud, wilfulness, sleightinesse, cunning, conin, collusion, deceit, device, practise, and offence used to deceiue an other man by any meanes which hath none other proper or particular name but offence.

Of Indictments as remedies for the former diseases.

Sect. 69.

Thus have we rather sleightly shadowed, then perfectly portrayed the ugly shape of such enormous offences, as with their detestable most blemish the body of our beautifull, (otherwise flourishing) commonwealth. Now therefore we are to shew the waines how to prepare remedies for the same, which must be done by indictments, in which are chiefly to be cied the matter and forme.

The matter or object of indictments is nothing else but the severall offences, and facts unlawful, before described, in which the very fact it selfe and the circumstances thereof are to be weighed.

Touching the offence or fact it selfe, we are here fully to regard the very nature & quality of the offence, as, whether it be treason, felony, trespass,

pass, deceit, or some other offence, and of what severall kind it is, and whether it be punishable by the common law, or by some penall statute, that the indictment thereupon may be framed accordingly.

The circumstances of the fact are seven, that is to say, cause, person, time, place, qualitie, quantitie, and event.

Touching the cause of the offence we are to weigh whether the offence be of cause iust or unjust: whether by chance, or of malice, and purpose, or upon a sudden, or by negligence, or by guile, which maketh some homicides lawfull, some punishable, and that in severall degrees.

The person is in two sorts to be regarded, that is, as he is agent or patient. For it is not all one for Infants and men of full age, and for men of good, and bad, and blots to offend. And otherwise in many cases are they to be punished which offend God, the common wealth, magistrates, or their officers and superiors, then they which offend others.

The time also in offences maketh difference betwene offences, as in Larceny and burglary.

The place in like maner maketh the selfe same fact either theft, burglary, or sacriledge.

By the consideration of the qualitie we discern whether an offence be inious or not, and whether it stand in committing or omitting.

The view of the quantity of the offence sheweth us whether it be punishable by death or otherwise, and if by death, what maner of death, and regardeth the custome, or iteration thereof.

The event looketh to the final cause, purpose, or issue of the fact, whether it be casuall, or voluntarie.

All which circumstances are partly seen before, in the very handling of the offences: now let us look more specially into the forme of the indictment.

Of the forme of Indictments.

In the forme of every indictment, besides the ordinary words of law, precise certainty to every intent is to be as warily looked upon as in declarations in civil suits and returne of sherifes, 3. H. 7. fo. 11. & 11. 3. Ed. 4. 2. 1. otherwise is the indictment insufficient, for Indictments and appeals be the very base and foundation of every criminal controuersie.

This certentie consisteth first in the name and surname of the party indicted, both principall and accessarie.

2 In the certaine name and surname of the party offended.

3 In the certaintie of time, wherein the offence is done, as the certain day, week, yea, and many times the very houre is expressed.

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4. In the place where the offence is perpetrated.
5. In the very matter of the fact, & nature of the offence committed, as whether it be treason, felony, trespass, deceit, penall statute &c.
6. In the name and value of the thing, in which the offence is done.

Unto the name of the party indicted must be united the addition of his estate, degree, or mystery, & the shire, & to town, hamlet, or place of his then, or late dwelling or abode: as additions which signify any lawful estate, degree, or mystery, are good: whether they be of dignitie by creatiō, as Duke, Marques, Earle, Vicōt, Archbishop, Bishop, Knight, seriant at the law: or without creatiō, as Baron, Esquire, Gentlemā, which are names of dignitie without creatiō. Also Alderman, Doctor, Archdeacon, Deane, Parson, parish Clarke, Widow, single woman, be good additions of estate or degree: but sermour, seruant, butler, &c. are not, so that they are common to gentlemē, yeomen &c. & so incerteyn: marchant, grocer, tailor, shomaker, tanner, currier, broker, husbandman, osler, haberdasher, miller, dyaper, goldsmith, butcher, chapmā, laborer, spinster, and every other addition of any lawfull occupations, be good additions of mystery. But neither Chācelor, Treasorer, Chāberlein, Shicife, cozoner, escheator, bailife, archdeacon, deacon, pꝛebendary, parson, or such other names of dignitie (by reason only of office) are good, but where such persons be charged for offence, by reason of their offices: nor citizen, so that neither nameth any mystery, art, nor degree: neither excoꝛtioner, bankrupt, rogue, bagabod, usurer, heretike, schismaticke, dicer, bowler, carder, nor such like, being against the law. If the place whereof the offence is or was, be an hamlet, & there be diuers hālets in one towne, he may be named either of the towne or hālet: but if it be only a place knowne in a towne, & not an hālet, he must be named of the towne, 35. H. 6. fo. 30. if the towne where the offence dwellth beareth one selfe name with the parish, he may be named of either: but if there be 2. towne of one name, in one parish, he ought to be named of the parish, 5. E. 4. fo. 129. 22. E. 4. fo. 22. & 23. H. 6. fo. 41. Alias dictus in Indictmēts is not necessary. The addition of the degree or mystery must be such, as the party hath at the very time of the indictment: but he may be termed nup of any place whereof he hath bin at any time before, but it is best to name him of the place of which he is or last was thus: *laud p dno rege pꝛesent, q I. S. nup de D. in com Essex husbandman &c.* And further, the time of the offence committed must be thus set downe, as in personall actions *quinto die Febr an nꝛe gꝛa dñi nꝛi Iac Dei gracia Angliæ &c.* And in some indictmēts, as of murder, and burglary, the very houre is to be expꝛessed, as *hora 6. ante merid* (if it were before noon) & *post mer* (if it were after) *eiusd diei*: if the offence be committed after noon & before midnight, it must be laid in the same day: if after midnight

and

and before sunne rising, then in the day following: & if the time be expired by the yeare of our L. God (as it may be) then the yeare beginneth with the euermore upon the 25. day of March: but in indictments which shew that a thing is omitted, or not done, there needeth no time of the not doing or omission thereof be set forth, as that a ditch was not digged, by meanes whereof meadowes be overflooden, and such like. If a man be stricken or poisoned in one county, and dieth thereof in another county, this indictment may be in the county where the death happened 2. & 3. Eliza. ca. 24. and if one become accessory in one countie to a murder or other felony done in another, he may well be indicted in the county where he was accessory. He which robbeth in the county of D. and is take with the maner in the county of S. may be indicted of theft where he is so apprehended, but not of robbery, but in the county where the offence was done. The place is thus to be set downe apud B. in com C. for it is not good to say in com predicta referring to the name of the county written in the margin of this indictment: and the place of the offence sometime maye specially set downe thus, apud B. in com C. in quodam loco ibid voc the north-cloffe &c. also it is to be regarded that if a county be divided into several divisions, so that those which be Justices in one division, be not Justices in another division thereof, as the county of Dorset, which is divided into 3. divisions, called ridings, as the Westriding, the Midriding, & the Northriding, it is requisite that it be expressed in this indictment, in which of the divisions or ridings the offence happened, as apud R. in the Westriding in com Ebor in quodam loco ibid voc the logs &c. for the Commissions, whereby the Justices of peace in such ridings are ordained haue in them such words as follow, viz. Sciatis quod assignamus vos coniunctim & diuisim, & quolibet vrum Iustice nostros ad pacem nostram in partibus de Westriding in com nostro Eborum conseruandam &c. Mandamus enim tenore presentium vrum aro Eborum, qd ad illos dies & loca, quae vos vel aliqui huiusmodi duo vel plures vrum, vt p^{re}dictum est, feceritis, venire coram vobis vel huiusmodi duobus vel pluribus vestrum, vt dictum est, tales probos & legales homines de partibus predictis tam infra libertatem quam extra, per quos reuerentius in premillis melius sciri porent & inquiri &c. So that the power of such Justices extendeth no further than to those ridings only in which they bin so made Justices, and therefore what is by them done otherwise is coram non Iudice, and void.

When the name of the person to whom the offence is committed be in many cases required, yet an indictment quod defendens bona & catalia cuiusdam ignoti felonice cepit &c. in theft: or quendam ignoti felonice depredauit &c. in robbery, is good for the things advantage of the forfeiture thereby accruing, so is it, as it seemeth, quod vi & armis

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&c. insulcum & affraiam in quendam ighotum fecit &c. Dyer fol. 99.
 pag. 61. & 285. p. 38. But if the gods of a Church be taken away, the
 Indictment must be quod bona parochianorum in custodia gardiano-
 rum Ecclesie de C. existē cepērunt, & asportauerunt &c. if the gods
 of a man be taken, who maketh his executors, and dieth, the Indict-
 ment must be, bona testatoris &c. but if they be taken after the testa-
 tor's death, it shall be bona testatoris in custodia executi existē &c. A
 grauestone is de bonis Ecclesie: coats armour hanged ouer a tombe, be
 the gods of the dead mens executors: gods taken from one, are the
 gods of the trespasser, vntill the owner haue recontinued his propertie:
 gods bailed, are said bona of the owner in custodia ballii. The
 names of things in which thoffence is committed ought also to be cer-
 tainly mentioned in Indictments, dead things may be called, bona &
 catalla, expressing their names certainly, as appereth hereafter: but of
 lining things we must not say, bona & catalla, but vnum equum, or 2.
 equos & ouem, bouem &c. And the value of those things in which of-
 fences are committed is vsually comprised in Indictments, which ser-
 meth necessary in thest to make a difference from petty larceny, and in
 trespass, to aggravat the fault & increase the fine, but no price of things
 ferre nature may be expessed, as of deer, hares &c. if they be not in parks
 or warrens, which is a liberty, 8. E. 4. fo. 5. no. of charters of land. And
 where the number of the things taken are to be expessed in the indict-
 ment, as of pong doves in a dovehouse, pong halwkes in a wood, there
 must be said precij, or ad valenciam: but of one lining thing, or of one
 dead thing onely, it is precij, and not ad valenciam, but of diuers dead
 things ad valenciam, and not precij. Of coine not currant, it shall be
 precij, but of coine currant shall neither be said precij, nor ad valencia,
 for the price and value thereof is certaine, but of counterfeit coine,
 shall be said ad valenciam, and in counterfeitling of coine shall not be
 said 1. libras in denarijs domini regis, nor in pecunia domini Regis,
 but ad instar pecunie domini Regis.

The very manner of the fact or deed it selfe, and nature of the offence
 must also be mentioned in the indictment, as in yescape, for prison brea-
 king, must be expessed, for what felony the offender was apprehended
 & imprisoned. And for counterfeitling of money must be the word to what
 the counterfeit is like, as groats, shillings, &c. And in murder & mans-
 slaughter, the stroke whereof death ensued, Dier fol. 99. pl. 63. And for
 slanderous words against the King, the very words must be certainly
 set down. And for entry into house, lands, or tenements, must be expes-
 sed, what manner of house, lands, or tenements, as a messuage, a col-
 tage, arable land, meadow, pasture, or wood. And wherein any Indict-
 ment, severall acts be said to make up thoffence which may be done at

sen

seuerall times and places, both the times and places must be certainly exprest, as in murder and manslaughter, the assault and the striking, as apud B. in com. E. & c. in quendam I. S. insultum fecit, & ipsum I. S. cum quodam gladio precij &c. ad tunc & ibid felonice, & ex malicia sua prae cogitata percussit & murtherauit. And in theft, the thing stolen must certainly be laid downe, 22. Ass. pl. 75. & 29. Ass. 45. And an Indictment against an accessarie, must shew what felony the principall committed, & that knowing it, he receiued the felon feloniously, 7. H. 6.

Touching the seuerall natures of seuerall offences, it is to be noted, that in Indictments of treasons, the fact must be necessarily said to be done, proditorie: of murder, murtherauit: and of manslaughter, and al other felonies, the deed must be said to be done felonice, and in burglary, Burglariter, or intentione ad feloniam siue murtherum faciend &c. In rape felonice rapuit, in theft, felon cepit & asport, if it be a dead thing: if liuing, abduxit, or felonice furatus est. In petty Larceny and maimes must also be said, felonice.

And notwithstanding the Statute of 37. H. 8. ca. 8. it is not amisse in every Indictment containing felony or trespass, to vse the words (vi et armis) viz. gladijs, baculis, culcellis, &c. And in a forcible entry vpon the Statute 8. H. 6. c. 9. must be manuforti &c. or cum multitudine gentium &c. And in an Indictment found vpon Statutes, it seemeth not needfull to recite the Statute verbatim, as hath been heretofore vsed, and namely, if the Statute be generall, 5. H. 5. 11. 30. ass. 38. But fully & certainly to describe the offence against the tenor of the same Statute. And then conclude with these words, Contra formam statuti in huiusmodi casu prouisi & editi: If there be onely one Statute of that offence: but if there be diuers concerning the same, then the conclusion must be, Contra formam diuersorum Statutorum in huiusmodi casu editi & prouisorum &c.

And it is specially to be noted, that in Indictments grounded vpon penall Statutes (other than for tillage) gining the penaltie to the king onely, may be exhibited at any time within two years after the offence. But if the benefit be to the Prince, and another person, it ought to be sued for such person & the prince within one year. And for the prince alone within three years, if shorter time be not in that behalfe limited in such penall Statutes, 31. Eli. ca. 5.

But the formes of Indictments will best appeare in the following examples, which for the Readers ease I haue here alphabetically set downe as insueth.

For keeping an Alehouse or Tippling house.

Iuratores pro domina regina presentant. qd A. B. de C. in dicto con- Sect. 71.
trauen E. geoman, vicelimo die mensis Octobris, Anno regni domini
nostre

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noſtre Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniz reginæ, fidei defenſoris &c. Triceſimo, & continuè multis diebus poſtea, viz. vi. que primum diem dicti Octob', anno ſupradicto, apud C. præd' in comitatu prædicto, obſtinatè atque ex auctoritate propria ipſus A.B. ſine villa luſticiariorum pacis dictæ dominz reginæ in comitatu præd' admiſſione aut allocatione, aſſumpſit ſuper ſe cuſtodire, & cuſtodire vnam communem Tabernam (Anglicè vocatam a commun *Elpling bouſe*) & ibidem dicto viceſimo die, & dictis diebus tum poſtea, communiter & publicè vendidit ceruiſiam, & potum (Anglicè dictum *ale and beere*) diuerſis dictæ dñæ reginæ ligeis & ſubditis. In dictæ dñæ reg. contemptum, ac contra formam cuiuſdam ſtatuti, in parlamento dñæ Edwardi nup' regis Angliæ ſexti tento apud Weſt'm, anno regni di. cti dñi Ed. quinto, in huiusmodi caſu prouiſ. & editi.

For ſilke in a Cappe.

Sect. 73.

Iuratores pro domina regina præſentant, quod A.B. de C. in dicto comitatu *Caſto*, natus infra hoc regnum Angliæ, viz. apud C. præd', ſed filius aut hæres apparens alicuius militis, aut filius hominis alioris gradus non exiſtens, nec potens expendere per annum viginti libras, in terris, tenementis, feodis, officiis, aut alijs annuis reuentionibus, pro termino vitæ ſuz: nec valens ducentas libras de bonis ſuis proprijs: nec vniquam Maior, Balliuus, Aldermanus, aut capitalis officiarius in aliqua ciuitate, burgo, aut villa corporata exiſtens, nec dictæ dñæ reg. ſeruus in ordinario (vtens dictæ dñæ reg. liberata) exiſtens: 2c. tamen die Octob', anno regni dictæ dñæ nſæ Eliz. Dei gratia, Angliæ, Franciæ, & Hyberniz Reg', fidei defenſoris &c. triceſimo, apud C. præd' in comitatu præd', per totum 2c. diem anno ſupradicto, interiore parte cuiuſdam pilei ſui (Anglicè vocat' a *Cap*, quodam ſerico (Anglicè dicto *Taſſata*) (ad valorem duor' ſolidor') illicitè & palam vſus eſt: contra formam cuiuſdam ſtatuti, in parlamento Philippi & Mariæ nup' Regis & Regiæ Angliæ, tento apud Weſt'm in corā Mid', annis regnorum ſuorum, primo & ſecundo, in huiusmodi caſu prouiſ. & editi.

For uſing the Art of a Mercer againſt the Statute of Anno quinto of the late Queene Elizabeth.

Sect. 74.

Iuratores pro domina Regina præſentant, quod A.B. de C. in comitatu E. *Mercer*, viceſimo die menſis Maij, Anno regni dictæ domine noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniz reginæ, fidei defenſoris &c. triceſimo primo, & multis alijs diebus continuè poſt dictum diem per ſpaciū duorum menſium, extunc proximè ſequent-

vide-

videlicet, vsque tricesimum diem Iulij, anno supradicti, apud C. p̄d
incomitatu E. p̄d, quandam artem, siue mysterium (Anglicè dictum
~~secretum~~) illicite pro lucro suo proprio vsitauit & exercuit : tunc ibi-
dem vendendo diuersas merces (Anglicè vocatas ~~perterrie~~ *wares*) di-
uersis dictæ domi reginæ ligeis & subditis : vbi reuera idem A. B. nun-
quamsit in dicta arte siue mysterio educatus, tanquam apprenticeus
per spaciū septem annorum, nec idem A. B. eandem artem (siue my-
sterium p̄d) duodecimo die Ianuarij, anno regni dictę domi nostrę re-
ginæ nunc quinto vsitauerit, aut exercuerit : In magnum dictę domine
reginæ contemptum, ac contra formam cuiusdam statuti in parlamen-
to dictæ domi reginæ nostrę nunc tento apud Westmonasterium, anno
regni sui quinto, in hoc casu prouisi ac ædici, vt supra dic̃.

An Indictment upon the Statute of An. 1. Mar. cap. 12. for the assembling of twelve persons assembled together, to the intent to cut downe a Conduitt head, and staying there three houres after proclamation made that they should depart.

Vtriores pro domina regina presentant, Quod primo die mensis O-
 ctobris, anno regni domine nostrę Elizabethe, Dei gratia, Anglię,
 Francię, & Hybernię regiñ, fidei defensoris &c. tricesimo quinto A.
 B.C.D.E.F. And so reciting ry. persons at the least, with their additi-
 ons of occupations and dwellings, apud quendam locum infra paro-
 chia de O. in corn E. p̄dict' (Anglicę vocatum *le old Court*) inter horas
 decimam & vndecimam ante meridiem eiusdem diei, vi & armis, tam
 inuicem, quam defensiuis, videlicet, gladijs, pugionibus, baculis, arcu-
 bus, sagittis, tunicis ferreis, & tormentis, se ipsos congregauerunt, & as-
 semblauerunt: Ac tunc & ibidem intenderunt, conati sunt, practica-
 uerunt & in vsu posuerunt, vi & armis, illegitimę, & ex auctoritate sua
 propria, secare, & prorsus euertere, prosternere ac destruere quoddam
 caput vnius aquę ductus (Anglicę vocatum *a conduit head*) tunc ibidē
 in fundo cuiusdam R.S. de O. præd' in comitat' prædicto generosi exis-
 tens, & cursum aquę in ipso habens, ea intentione, vt idem caput aque
 ductus prædict' ex tunc apertum & vacuum remaneret ac iaceret: Et
 vltius, quod super querimonia inde facta coram T. W. vno Iustici-
 ariorum pacis dictę dominę reginę in comitatu E. prædicto, om-
 nes & singuli prædicti A.B.C.D.E.F. &c. tunc & ibidem per eundem
 Iusticiarium requisiti sunt ac iussi (per proclamationem in nomine
 dictę dominę reginę tunc & ibidem per eum palam factam) ad ha-
 bitationes, loca, & domos suas (vnde venerant) se inde in pacifico mo-
 do retrahere, retirare, discedere & reuerti: quę quidem proclamatio
 tunc ibidem modo & forma sequentibus, habita & facta est, videlicet,

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The procla-
mation.

There staying
after the pro-
clamations two
houres.

prædictus T. W. Iusticiarius tunc ibid' fecit alta voce vñum *Dres*, ac tunc ibid' immediatè hæc verba Anglicana sequentia palam, & alta voce pronunciauit, dicens, scilicet, *The Quene our Soueraigne Ladie chargeth and commandeth all persons (being assembled) immediatly to disperse themselves, and peaceably to depart to their habitations, or to their lawfull busines, vpon the paines contained in the act lately made against vnlawfull and rebellious assemblies: And God saue the Quene.* Et vltcrius, Iuratores p̄d dicunt, quod non obstare dicta proclamationi modo & forma p̄d per p̄fat Iusticiar tunc ibidè facta & habita, ijdem tamen omnes & singuli p̄d A. B. C. D. E. F. &c. in dicto loco vocato *le old Court* infra parochiam de O. p̄d in dicto comitatu E. per spacium duar horarum, immediatè & continuè post dictam proclamationem sic vt p̄fertur factam & habitam sequentium, seditiosè & felonice insimul remanserunt & continuauerunt, in magnum dictæ dom̄ Regine contemptum, ac contra pacem, coronam, & dignitatem suas, necnō contra formam diuersorū statutorum in huiusmodi casu p̄uisor & editor.

Against a Barrettor.

Secl. 75.

Iuratores pro domina regina p̄sentant, quod A. B. de C. in comitatu E. *Walloz*, secundo die Octobris, Anno regni dictæ domine nostræ Elizabeth. Dei gratia Angl', Fran', & Hyberñ regin', fidei defensoris &c. Tricesimo quarto, apud C. p̄dictam in comitatu E. p̄d' fuit, & adhuc est communis Barrettor, & pacis dictæ dom̄ regine perturbator assiduus & publicus, necnon communis ac turbulentus calumniator, conuiciator, puginator, & litium inter vicinos suos seminator, adeo vt diuersas lites, controuersias, necnon iurgia, & pugnas ad tunc ibidem, & alibi in dicto com̄ E. inter diuersos dictæ dom̄ regin' ligeos & subditos, mouit, procurauit, & excitauit: In magnam dictæ dom̄ regine pacis perturbationem, ac contra formam diuersarum ordinationum ac statutorum huius regni sui Angliæ, in huiusmodi casu antehac prouisorum ac editorum.

Against a Barrettor.

Secl. 76.

Inquiratur pro dom̄ regina, si R. E. nuper de G. in com̄ D. *yeoman*, xx. die &c. apud G. p̄dict' in com̄ p̄dict', fuit, & adhuc est communis barrettas, & pacis dictæ dom̄ reg' perturbator, & oppressor vicinor suor, & al' ligeor dictæ dom̄ reg' in com̄ D. p̄dicto, ac communis malefactor, calumniator, & seminator litium & discordiarum inter vicinos suos p̄d, ad magnum dispendium, grauamen, & perturbationem vicinor p̄d, & aliorum fid' lium ligeorum dictæ dom̄ reg' in com̄ D. p̄dicto, contra ordinationes, leges & statut' huius regni Angl', in huiusmodi casu editor & prouisor.

uit ac contra pacem dict' domine Reg. coronam &c.

For an affray made at the time that the Assises and Gaole deliuerie is holden before the Iustices of the Assise.

Inquiratur p domin' Regin', si C.P. & W.C. &c. vi et armis, videlicet, gladijs, scutis, & pugionib' apud C. pred' arraias & illicite congregat, tēpore Assisar dict' domini Regin', ad tunc apud C. p'd centarū, necnon infra precinct' eiusdē villę, R. W. & R. H. earund' Assisar Iusticiarijs, ac Iusticijs dict' Dñę Regin' ad gaolam de L. in eod' comitatu de prisonarijs in ead' existentibus deliberand' assign', circa deliberationē eiusd' gaolę tunc apud C. pred' existentibus, insult et affraiam inuicem fecerunt, ad magn' perturbationē cur dict' dñę Regin', ac Iusticiarior' suor' p'd tunc et ibidem existent, ac in terrorem et perturbationē diuersor' subditor' eiusd' Dñę Regin', tunc et ibidem existent, & in malum et perniciosum exemplum omnium ligeorum dict' dñę Regin' ac contra pacem dictę Domini Regin', coronā, et dignitat' suas &c. Sect. 77.

For an affray and beating of one at the time of the Assises and Gaole deliuerie, holden before the Iustices of the Assise.

Inquiratur si F.F. &c. vndecimo die &c. vi et armis &c. Iusticijs dict' domine Regin' ad Assisas in coñ pred' capiend', necnon ad gaolam eiusdem comitatus apud W. in eodem comitatu deliberand' assign', ad tunc iudicialiter sedent et existent in quendam W. C. in pace dei & dicte Dñę Reg apud W. p'd existent, ex malicia sua p'cogitata insult fecit et ipsum W. cum quodam gladio quem idem F. in manu sua dextera ad tunc et ibidem habuit et tenuit. percussit super caput suum, dans eid' W. C. diuersas plagas, p' quas ipsum W. in magno periculo vit' suę posuit, ita q' de vita sua desperabatur, in magnum iusticie & legū huius regni Angl' contemptum, & perniciosum exemplum aliorum, ac contra pacem dict' domini Reg. coronā & dignitat' suas &c. Sect. 78.

Or ibus.

Inquiratur p dñā Regin', si O.P. &c. decimo, apud T. pred' in coñ E. pred' tempore Assisar, et generalis gaole deliberationē ad tunc & ibid' tēst, et sedent ad tunc et ibid' Iusticijs dict' dñę Reg. ad Assis. capiend' necnon ad gaolam dict' domini Reg. castri de T. pred' in coñ p'd deliberand' assignat, vi & armis, et ex malicia sua p'cogitata, in, et super quēdā I.C. nuper de S. in comitatu D. p'roman, in pace dei, & dict' domine Regin' ad tunc et ibidem existent, insultum et affraiam fecit, & ipsam Sect. 79.

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verberavit, vulneravit, & maletrastavit, & prefatus O. ad tunc & ibidem cum quodam gladio valoris iij. solid' & quatuor denariis, quē idē O. in manu sua dextra ad tunc & ibidem habuit & tenuit predict' Iohannē C. ad tunc & ibidem percussit & pupugit, dans eidem I. C. ad tunc & ibidem quoddam vulnus siue quādam plagam in latitudine vnus pollicis, & profunditate quatuor pollicū, ita quod idem I. C. de vita sua maxime periclitabatur, in magnam perturbationē tam p'd' Iustici' dictę domine Regine, ad tunc & ibidem in cur' p'd' seden' quam totius populi, & legiorum subdit dictę domine Reg. de pred' com' S. ad tunc & ibidem confluent' & attendent', ac in magnum contemptū dictę domine Reg. ac in iusticię ibidem exequend' & administrand' retardationē manifest', ac contra pacem dictę domine Regine, coron', & dignitatē suas &c.

For buggerie committed by a Minister being an Italian borne in the Citie of Rome, with a boy of 15. yerres old.

Señ. 80.

Iuratores pro domina Regiñ presentant, q' A. B. nuper de C. in dicto com' E. clericus (et alienigena in ciuitate Romana Italię natus) decimo die Martij vi & armis, apud C. prædict' in comitatu predicto, An. Reg. Dñę nřę Elizabethę, Dei gratia Angl', Frāc', & Hybern' Reg. fidei defensoris &c. Tricesimo, in quendam I. S. de C. prædict' in dict' com' E. puerum masculū (ętatis non amplius quindecim annos', ac tunc ibid' in quodā loco vocato *le Arbye*, in pace dei & dictę domine Reg. existētē) insultum fecit, ac cum dicto I. S. puero predicto sceleratissime, felonice, ac contra naturę ordinem, tūc ibidē rem habuit venerēam, dñstūque puer carnaliter cognouit, ac sic cum eod' puero peccat illud horribile, ac Zodomiricum (Anglice vocatum *Buggerie*) ad tunc ibid' felonice cōmisit, ac ppetrauit, cōtra pacē dict' dñę Reg. nřę, ac contra formam statuti in huiusmodi casu antehac prouisi ac ċditi.

For Burglarie in a dwelling house in the night time, for taking out of money out of a chest, and for the accessories before the offences, and the accessories after.

Señ. 81.

Inquiratur p domin' Reg. q' cum I. H. nuper de H. in com' p'd' p'p'orian, x. die Maij, An. regn' Reg. Eñ. &c. 34. vi & armis &c. domū mansionalem cuiusdam P. amig' apud H. prædict' in com' E. prædict' circa horā decimā in nocte eiusdem diei, felonice & burglariter fregit & intravit, & quadraginta libras in pecunijs numeratis, de bonis & catallis p'p'd' P. in quadam cista in domo p'p'd' ad tunc existent inuenit felonice cepit & asportauit, contra pacem dict' dñę reg. & si quidam Christophorus G. nuper de H. prædict' in com' S. predict' p'p'orian, ante feloniam & burglar p'p'd'

pdict' per ipsum T. H. in forma pdicta factam & perpetratam, viz. sexto die Maij, anno xiiij. suprad', eundem T. H. apud H. pd' in com E. pd' ad feloniam & burglariam pd' in forma pdicta sic faciend' felonice excitavit, abbetavit, & procuravit, contra pacem dictę dom' reginę nunc, coronam & dignitatem suam. Et si quidam I. R. nuper de C. in comit S. pd' *geoman*, sciens pfat. T. H. feloniam pdictam in forma pdicta sic fecisse & perpetrasse eundem T. H. dicto decimo die Maij, anno supradicto, post felon' pd' per ipsum T. H. sic factam & perpetratam, apud H. pd' in comitatu S. pd' felonice recepitavit, confortavit, & hospitavit, contra pacem dictę dom' reginę coronam & dignitatem suam.

For Burglarie in a dwelling house in the night time, for the assaulting & putting in feare of them in the house, and for taking of money out of a chest.

Inquiratur pro domini regina, si N. H. nuper de G. in com E. pd' Y. T. Sect. 82. E. nuper de M. in comitatu pd' Y. decimo die &c. inter horas vndec' & duodecimi in nocte eiusd' diei, vi & armis &c. domum mansionalem cuiusdam R. B. apud W. in pdicto com Eborum felonice & burglariter fregerunt & intrauerunt, & in ipsum R. B. adtunc & ibidem in eadem domo in pace Dei, & dictę dom' reginę existent, insultum fecerunt, & eundem R. adtunc & ibidem in timore corporali vitę suę imposuerunt, ita quod de vita sua desperabatur, & quatuor lib' in pecunijs numeratis in quadam cista infra domum pdictam adtunc existent, de bonis, catalis, & pecunijs cuiusdam I. B. adtunc & ibidem inuenit, felonice & burglariter ceperunt & asportauerunt, contra pacem &c. *vs supra.*

For Burglarie in a dwelling house in the night time, the taking away of a silver salt, money, and three silver pinnes.

Inquiratur pro domina Regina, si W. H. nuper de S. in comitatu D. Sect. 83. *Wier*, R. C. nuper de M. in comitatu W. *geoman*, T. C. nuper de M. pdict' in comitatu W. pręd' *geoman*, & T. L. alias dictus L. nuper de M. pd' in pd' comitatu W. *geoman*, & T. P. nuper de C. in comitatu S. *geoman*, ultimo die Octobris, an. regni Regiņ Elizabethę, &c. quarto, circa horam vndecimam in nocte eiusdem diei, vi & armis &c. domum mansionalem cuiusdam Marg. P. viduę apud C. in pd' comitatu S. felonice & burglariter fregerunt & intrauerunt, & vnum Salinũ argenteum vocatũ a siluer salt, ad valentiam quinquaginta solidi, x. li. in pecunijs numeratis, tres aciculas argenteas ad valentiam vj. s. viij. d. & tres annulos argenteos valor vj. s. de bonis, catalis, & pecunijs pręfat' Marg. adtunc & ibidem inuenit felonice ceperunt & asportauerunt, contra pacem &c. *vs supra.*

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For Burglary in a dwelling house in the night time, a woman then being in the house, and for taking away of xx. li. out of a cupboard in the house.

Sec. 84.

Iuratores pro domina regina presentant, quod T. S. de W. in dicto comitatu E. Tailor, quarto die mensis Febr., anno regni dictae dominæ nostrae Elizabethae, Dei gratia, Angliæ, Franciæ, & Hybernæ, reginæ, fidei defensoris &c. vicessimo nono, vi et armis &c. domum mansionalem cuiusdā N. G. de W. p̄d apud S. in dicto comitatu Butcher, noctat̄er, viz. (inter horas decimam et vndecim post meridiē eiusdem diei) quadā I. vxore ipsius N. G. tunc in eadē domo in pace Dei & dictæ dominæ reginæ existente, felonice et burglariter fregit et intrauit, et viginti libras legalis monete Angliæ de bonis p̄d N. G. in quodam abaco in dicta domo existente inuentas, tunc et ibid' felonice cepit et asportauit, contra pacem dictae dominæ reginæ nunc, coronam, et dignitatem suam.

For Burglary in a dwelling house in the night time, for assaulting and putting in feare of them in the house, intending to kill or rob them in the house, & the accessories before the offence committed.

Sec. 85.

Inquiratur pro domina regina, si F. M. nup̄ de M. in com̄ D. Jorner, duodecimo die Aprilis, anno &c. circa horam duodecimam in nocte eiusdē diei, vi et armis &c. domū mansionalem cuiusdā T. C. sc̄n apud C. in com̄ S. p̄d burglariter et felonice fregit et intrauit, et super quosdam R. S. et I. B. ad tunc et ibid' in pace Dei, et dictae dominæ reg' existent, insultum fecit, et eosd' R. et I. in corporali timore vitæ suarū posuit, ea intentione ad interficiend', vel saltē ad spoliand' p̄d T. C. de bonis & pecunijs suis, ad graue damnū ipsius T. et contra pacem dictae dñe reg' &c. vt supra. Et li G. B. nuper de C. p̄d in com̄ p̄d Cleauer, ante feloniam p̄d in forma p̄d sic facit et perpetrat, eundem F. M. apud C. p̄d in comitatu D. p̄d viz. vicessimo die Ianuarij, Anno &c. vt supra, ad feloniam p̄dictam in forma p̄dicta sic faciend' felonice excitauerunt, abbettauerunt, & procurauerunt, contra pacē dictae dñe &c. vt supra.

For burning of a dwelling house in the day time, with a pound of gun-powder put in a bundell of straw in the house, the owner of the house then being in the same house.

Sec. 86.

Iuratores pro dñā regina presentant, quod A. B. nuper de C. in com̄ E. p̄dicto Wiltualter, octauo die mensis Iulij, Anno regni dictae dñæ nostrae Elizab', Dei gratia Angliæ, Franciæ, et Hyber, reg' fidei defensoris &c. Tricesimo, ad domū mansionalem E. F. de C. p̄dict' in com̄ p̄d gener, in C. p̄d in d' cōm E. existent, vi & armis, inter horas sextam & septim ante meridi' eiusdē diei accessit & cum vna libra pulueris tormētar' ad valenc' 12. denar' & facē quadā ignita, quā dict' A. B. tunc et ibidem

dem in manibus suis tenuit, ignem in quodā fasciculo straminis tunc in dicta domo existentis, ex malicia sua ꝑcogitata felonice accendit, unde ead' domus tunc ibidem totaliter cremata & combusta fuit (eodem E. F. tunc in pace dict' dñe reg. in dicta domo sua existente) Et si pred' A. B. dicto octavo die Iulij, Anno supradicto, apud C. pred', domum mansi-
onalem ꝑd' E. F. ꝑd', modo & forma ꝑd', voluntarie ex dict' malicia sua ꝑ-
cogitata, et felonice incendit et combussit: contra pacem dict' dom' reg.
nostre, ac coronam & dignitatem suam.

*For Burglarie and burning of a dwelling house in the night time, having an
intent to rob it, & the putting of divers persons in feare, then being in the
house, & the accessories before the offence, & accessories after the offence.*

Inquiratur ꝑ dom' Regina si W. S. nuper de O. in comitatu E. pred' Sect. 87.
Smith, die Feb. &c. 13. circa horam 12. in noct' eiusd' diei, vi et armis
viz. gladijs, securis, baculis, arcubus, & sagittis apud S. in pred' com' E.
ad domum mansionalem. cuiusd' I. C. simul cum alijs veniebat, ea in-
tentione ad spoliandum dict' I. de bonis & catallis suis in ead' domo tunc
existent, ac si idem W. sup' tectur' eiusd' domus vulgariter nuncupat' (the
covering of the house) ad tunc & ibidem, cum vna scala ascēdebat et scā-
debat, ea intentione, ꝑ tectur' ꝑd' ad intrand' et ingrediendum in domū
illam. Ac si dictus W. simul cum alijs ꝑd' I. G. R. C. M. P. & F. G. in ead'
domo tunc existent tanť timorē corporalē tunc & ibidem inferebant ita
q' de vitis suis desperabat, ac si dictus W. simul cum alijs ꝑd' ad tunc
et ibidem ex malicia sua ꝑcogitata, eand' domū cū igne tunc & ibidem
felonice cōburebat, pred' I. G. R. C. M. P. & F. G. in ead' domo existente,
contra pacem &c. ut supra. Ac si W. R. de B. in comitatu pred' pro man,
& W. I. de S. in comitatu E. pred' gener' ante felon' pred' ꝑ ipsos I. C. &
alios fact' & perpetrata ꝑd' W. S. ꝑdicto 27. die Feb. anno supradicto,
apud B. ꝑd' in comitatu pred' ad felon' pred' sic in forma pred' faciend'
& perpetrand' felonice excitauerunt ꝑcurauerunt, et abbertauer', contra
pacem &c. ac si pred' W. R. & W. S. scientes pred' W. S. simul cum alijs
supradictis felon' pred' in forma pred' sic fecisse & perpetrasse, eundē
W. S. postea, scz. 27. die Feb. Anñ pred' apud B. pred' in comitatu E.
pred' felonice receperunt, confortauerunt, hospitauerunt & concealau-
erunt, contra pacem dict' &c. ut supra.

*For breaking and burning a barn with corne, of divers sorts
in it, as well in sheafe as threshed.*

Inquiratur ꝑ domina Regina, si I. M. de D. in comitatu M. yeoman, Sect. 88.
13. die &c. apud I. in com' E. vi et armis quoddam horreum cuiusdam
N. iij. I. S.

Indictments and

I. S. apud I. præd in prædict' com E. sinuat & existen' felonice fregit & intrauit, & quibusdam candelis tunc igne accensis, quas I. M. tunc et ibidem in manibus suis tenuit ad tunc & ibidem ex malitia sua præcogitata & ex instigatione diabolica in horreo præd cum diuersis granis et garbis, viz. tribus quarterijs ordei, & quatuor quarterijs frumenti, & duobus modijs auenarum, & 4. carestat hordei in garbis in eod' horreo ad tunc existentibus, ignem accensum ad tunc & ibidem voluntarie & felonice imposuit, & cum eod' igne ad tunc & ibidem horreum præd cum omnibus granis & garbis supradictis in eod' horreo ad tunc & ibidem existentibus voluntarie, & felonice combussit, et totaliter cum igne illo felonice & voluntarie consumpsit, contra pacem dictæ domine reg. & c. ut supra.

For maintenance in an Assise of Novel disseisin, for to haue the moitie of the land in question, and an hundred pounds in money.

Seft. 89.

I Vratores pro domina Regina presentant, q. I. C. T. C. ac I. P. de O. in comitatu E. *prouen*, ac alij (de confederatione & couina predictor' I. C. T. C. & I. P. existentes) quoddam placit' Assise nouæ disseisin' quod nuper summonitum fuit in curia dictæ domine Regine, coram dilectis et fidelibus dictæ domine Regine I. S. & I. K. & alijs nuper Iustic' ipsius Domine Regine ad assisam illam capiendam assignatis, per breue ipsius dñe Reg. inter W. S. querentem, & I. H. tenentem, de quodam libero tenemento in N. & S. in com E. præd, (viz. p medietate inde sibi & heredibus suis imperpetuum) viz. p C. lib' sterlingor' in pecunia numerata in hac parte habenda, per conuentionem inde inter præd N. S. & prefatos I. C. T. C. & I. P. 20. die mensis Augusti, Anno regni dictæ dñe nostre Elizabethæ, dei gratia, Angliæ, Franciæ, & Hybern' Regine, fidei defensoris & c. Tricesimo, apud O. præd in dicto comitatu factam p præd W. S. contra prefat' I. H. dictis die, anno, & loco, assumpserunt manutenendum, & manutenuerunt: In magnum dictæ dñe Reg. contemptum ac cōtra formam diuersorum Statutorum, huius regni sui Angl' in hūdi casu prouisorum ac æditorum,

For maintenance in an Assise of Freshforce, to haue part of the land in question, and part of the damages to be recovered.

Seft. 90.

I Vrat p'sent, q. cū de communi consilio regni dñi E. nup regis Angl' primi pgenitor' dñe Reg. nunc puium sit, Quod nullus Minister vel aliquis alius manuteneat placita, querelas, vel negocia, quæ sunt in curia dñi regis, de terr' tenementis, aut alijs reb' quibuscūq; p parte rei petite vel aliquo p'scico p cōuention' facta inde hēnd, nec aliquis ius suū sub hūdi cōdition' alteri dimittat. Quid W. P. & c. simul cū R. S. & c. tali die &

& anno quandam querelam cuiusdam Alf. friscæ forcie q̄ est in curia domine Regin' nunc ciuitatis E. coram E. B. Maior & C. D. vicecosm eiusdem ciuitatis, sine breui ipsius domine Reg. secund' consuet' ciuitatis pred', inter quosdam I. R. & T. L. de vno messuag' cum pertinen' in ciuit' p̄d', pro parte eiusdem messuagij, viz. pro medietate messuagij illius, libi & hered' suis imperpetuum, & alio proficuo, viz. pro medietate damnos in querela assise pred' recuperand' inde habend', per cōuentionem inter pref. I. ac pred' W. & R. S. apud E. pred' factum assumpsit manutenend', & manutenuit, ad graue damn' ipsius T. L. & cont' formam prouisionis pred' &c.

For a Riotous assault and affray made upon a Vicar in his Church, and for the imprisoning of him in a paire of Stocks.

Inquirat &c. A. T. &c. H. S. &c. & W. K. aggregat' &c. 22. die Iulij &c. vi & armis &c. apud C. in comitatu S. riotose &c. in R. L. vicarium Eccl' parochial' de C. pred', in pace dei et dict' domin' Reg' in Eccl' pred' tunc existenti insultum & affraiam fecer, & ipsum R. L. ab eccl'ia predi & tunc violenter et manu forti extraxer & vsq; cippos duxer, et ipsum imprisonauerūt et maletractauerūt, et alia enormia ei ad tunc & ibidem intuler, ad graue damnum ipsius R. L. cont' formam statut' in huiusmodi casu edit' & prouisi, et contra pacem dict' domin' &c. Sect. 91.

For absence from Church for vi. months upon the Statute of primo & xxij of the Queene.

Viratores pro domina Regina super Sacramentū suum presentant, q̄ Sect. 92.
A. B. nuper de C. in com' pred' E. Af, qui x. die Iulij anno regni domine nostre Eliz. Dei gratia Anglie, Francie, et Hibernie, Regin', fidei defensoris &c. Tricesimo, fuit etatis 16. annorum & ultra, non accessit (Anglice *did not repaire*) ad Ecclesiam parochial' de D. p̄d', nec ad aliquā aliā ecclesiā, capellam, aut vsualem locū communis p̄cation' & ibid' moratus fuit tempore cōmunis p̄cation', ad aliquod tempus infra sex menses tunc proxime sequentes, sed abstinuit ab eis (Angl' *bath for, bozne the same*) p̄ spaciū p̄d' sex mensū, contra formam cuiusd' statuti apud Westm in com' Midd. an reg. dict' dñe Reg. nūc primo, p̄ vniformitate communis p̄cation' editi et prouisi, ac contra form' statuti an. reg. nidi & domin' reg' nunc 23. in huiusmodi casu editi & prouisi, ac in contemp' dict' domine regin' nunc, & contra coronam, & dignitatem suas.

For drawing a dagger upon one in the Churchyard, to the intent to strike him.

Inquiratur pro domina regina, si O. F. de L. in com' E. predict' generos octauo die &c. in cimiterio Ecclesie parochialis de L. pred' in dicto Sect. 93.

dicto comitatu, malitiose extraxit pugionem suum in quendam I. S. de L. predicta yoman, ea intentione ad percutiend' pred' I. S. cum dicto pugione, contra pacem dict' domini regine nostr' nunc, ac contra formam statuti in parlamento domini Edwardi nuper Regis Angl' sexti tenor' apud Westm' in comitatu Midd'sexie, Anno regni dicti nuper domini Regis quinto, in huiusmodi casu promisi, ac edicti.

For fighting with a weapon in the Churchyard contrarie to the Statute of Anno 5. Edm. 6.

Sect. 94.

IVt present, quod cum in statuto in Parlamento domini E. nuper regis Anglie sexti, apud Westm' anno regni sui quinto, tenor' edit, inter cetera stabilis existit &c. Quod si aliqua persona ad aliquod tempus, post primum diem Maij, tunc proximum sequent, malitiose percuteret aliquam personam, cum aliquibus armis in aliqua ecclesia siue cimiterio, vel post eundem primum diem Maij, extraheret aliqua arma in aliqua ecclesia, seu cimiterio, intentione ad percutiendum alium cum eisdem armis, & tunc quolibet persona sic offendens & inde conuict' per veredictum xij hominum, vel per suam propriam confessionem, vel per duos legales testes, coram Iustic' Assisarum, Iustic' audiend' et terminand' siue Iustic' pacis in Sessionibus suis, virtute illius actus adiudicaretur per eisdem Iustic' coram quibus talis persona sic, conuinceretur, ad habendum unam aurum suarum abscissam, et si illa persona siue personar' sic offendens non haberet siue non haberent aliquas aures, ita q' illiusmodi personam subirent (vt prefertur) quod tunc ipse vel ipsi signaretur in bucca, Angl' cheeke, ferro candenti, Angl' a hot iron, haben' hanc literam B. per quam ipse vel ipsi cognosci & haberi possint pugnarum effectores, et pugnatores, et ultra hoc, quolibet talis persona foret & staret ipso facto excommunicat', prout in eodem statuto plenius continet'. Quidam tamen G. B. nuper de S. &c. 2. die Iunij &c. vi & armis, videlicet &c. cum quodam pugione in quendam T. C. in pace Dei & dict' domini Reg. exsist' apud C. in com' E. pred' in cimiterio Eccles. parochialis de C. p'd insultum fecit, & ipsum T. super caput suum ad tunc & ibidem malitiose percussit, et alia enormia ei intulit ad grave damnum ipsius T. et contra pacem dict' domini Reg. &c. ac contra formam statuti pred' &c.

For absence from the Church for certaine Sundaies, and Festival daies upon the statute of primo of the Queen.

Sect. 95.

IVt p' domina Reg. presentant, q' cum in statuto in parlamento domini Eliz. dei gratia &c. anno reg. sui 1. tenor' apud W. in com' M. inter alia inactat' et ordinat' existit, quod post festum S. Io. Bapt. an. reg' dict' domini.

domin' Reg' omnis & singula persona sine personæ inhabitant in hoc regno Angliæ aut aliquo alio dominiorum dict' domin' reg', diligenter & fideliter, habentes nullam legalem seu rationabilem exculationem abessendi, admittentur adire suam parochialem ecclesiam vel capellam consuetam, vel super rationabile impedimentum, aliquem visitatum locum, ubi communes preces, & diuina seruitia, in actu illo mencio celebrare fuerint tempore talis impedimenti, quolibet die Dominico, & alijs diebus ordinat', & visitatis obseruari ut festiuis diebus, & tunc & ibidem manere secundum ordinem & sobrie, durante tempore precu commun', predication', aut aliorum diuinorum seruitiorum ibidem vtend' & ministrand', sub pena punitionis per censuras ecclesie, & etiam sub poena, quod quilibet psona sic offend', forisfaciat pro qualibet tali offensa 12. denarios leuand' per gardianos Ecclesie parochialis ubi talis offensa foret fact' ad vsum pauper' inhabit' eiusdem parochie de bonis, terris, & tenementis, talis offend' per modum distraction', prout in statuf pred' continet, cumq; T. R. de D. in com' p'd arm' & A. v'c' eius, v'c' que eor' exist' etatis 16. ann' & amplius, ac existent' parochiam' eccl' parochial' de T. p'd, in pred' com' B. infra quam quide' eccl' cōs' preces, & alia diuina serui in statuf pred' spec' post pr'd' fest' natiuit' S. Io. Ba. anno primo suprad', scilicet die dominico .px' post fest' S. Mich. arch. anno regni regine Eli. Dei gratia. &c. 12. diebus dominicis tunc prox' sequent' & 8. alijs diebus festiualibus easdem 12. dies dominicas interuenient dicebantur & vtebantur, pred' I. & A. non habentes legalem nec rationabilem exculationem, seu impediment' abessendi ab eccl' p'd, in diebus pred', tempore p'd commun' precum, predicationum, & diuinorum seruitiorum ibidem tunc dictorum habitorum & ministratoru, non solum non adnitebantur adire Ecclesie parochial' de D. pr'd' exist' eorum Ecclesie consuetam, in pred' die domin' proximi post predictum festum sancti Michaelis arch. anno regni dict' dñe regine nunc 34. supradict' & pred' alijs 12. diebus dominicis tunc proximi sequent', & pred' alijs octo diebus festiualibus inter easdem 12. dies dominicas interuenient tempore pred' commun' preces, & diuinorum seruitiorum ibidem in diebus illis dictoru habitorum & ministratorum, sed etiam odio habent & contemnent Euang' & sacula Dei verbum & dictam dominam reginam, & leges suas, seipsos voluntarie absentauerunt, & vterq; eorum voluntarie seipsum absentauerat ecclesia pr'd' die dñco .px' post fest' S. Mich. arch. anno regni dict' dñe reg' nunc 34. suprad' &c. p'd alijs 12. diebus dñcis tunc prox' sequent', & pred' alijs 8. diebus festiual' inter easdem 12. dies dominicas interuenient tempore p'd commun' precum, predication', & diuin' seruitio' ibidem in diebus illis dictor' habitor' & ministrator', contra pacem & in contempt' dict' dñe reg' nunc & legem suam & coronam & dignitatem suam, ac

contra

Indictments and

contra formam statuti prædicti, & in perniciosum exemplum malefactorum &c.

For taking of Conies in a free warren in the night time.

Sect. 96

INquit &c. si E. D. &c. vi & armis, viz. baculis, falcistris, arc', & sagittis, & alijs armis defensivis, parcum, seu liberam warren' C.B. apud A. in comitatu prædicto D. circa horam decimam in nocte eiusdem diei frengit & intravit, & in eodem parco siue liber' warren', leporarijs, licentis & retibus voc' pursuets sine licentia dict' T.B. vēbant & 40. cunic' valor 13. s. 4. d. de bonis & catallis ipsius T.B. ad tunc & ibidem inuenit cepit & asportauit ad graue dampnum ipsius T. B. & contra pacem &c.

For conspiring and combining to indict one for stealing of a horse of one of the conspirators, and for procuring of diuers false suits to be brought and pursued in the names of the conspirators, and of diuers others against diuers persons.

Sect. 97.

Iuratores &c. present, quod I.P. nuper de I. in prædicto comitatu E. & R.B. nuper de C. in prædicto comitatu E. gener' vnā cum alijs quamplurimis personis adhuc ignof, contra legem domini regis ac formam statutorum in huiusmodi casu prouisorum, conspiratione & conuina apud T. prædict' die &c. habuit, diuersis temporib' postea simul vniti, confederati, & iurati falso fraudulent' & maliciosē vener' ad vindicand', destruend', perturband', placitand', adnihiland', & similiter adnulland', fideles & innocentes ligeos dicti dom' regis, p' lucro ad eorum proprium vsum capiend', societatem iniierunt, & adinuicem iurauerunt, ad simul standum contra dictum dominum regem, & quoscunque ligeos suos in omnibus & singulis materijs placitis & querelis, per ipsos & eorum quemlibet motis seu mouendis. Et si eorum aliquis cum aliquo, placita, materiam, seu querelam moueret, quod ipsi & eorum quilibet cum eo, sic materia, querelam, seu placitū mouent stare, & perseverare deberent & deberet. Et si aliquis eorum aliquam querelam seu placitum nominatim personæ cuiuscunque, versus aliam personam super se assumpserit manuteneud', extunc eorum quilibet querelam, sectam, seu placitū prædict', tanquam querelam, sectam, seu placitum, nomine eorum prosecut', manuteneret, foueret, & teneret, recto, veritate, iusticiæ & iure, omnino postpositis & sublat': Virtute quorum quidem vnitionis, conspirationis, iuramentis, confederationis & manutentionis, prædictorum I.P.R.B. & al' sic in vnum globat', & iurat', postea, videlicet die &c. Anno &c. conspiratione inter eos apud C. in comit' prædicto, phabita, quendam I.H. de eo quod ipse die &c. anno &c. vnū equū pretij &c. de bonis & catallis prædict' I.P.R.B. apud S. inuenit felonice furatus fuit cepit & abduxit falso & maliciose indictari, procurauerūt. Et prædict' I.P. & R.B. & alij modo & forma prædicta vniti & confederati diuersa falsa placita, sectas, & querelas innume-

innumerabiles; tam neminibus eorum proprijs, quam nomini aliarum personarum eis falso & malitiose congregat & vnus prosecuti fuer, & manutenuerunt & indies prosequuntur & manutinent, videlicet p^rd^r I. P. ad hundredum domini P. militis apud C. p^rdict^r 13. die Anno &c. tenet eodem I. ad tunc Balliuo eiusdem hundred existens, ad statum & possessionem R. S. & A. vxoris sue ad nulland: Et pro eo quod ad quamlibet curiam hundred ibidem successiue tenend^r p^rdict^r R. vxorem suam ibidem pducere nequiret, ita q^{uod} excessiua amerciamen^{tum} in status eor^{um} depauperationem fieret & euenirent, consideration^e taxator amerciamen^{tum} cui neq^{ue} p^rd^r, semper de couina p^rdict^r p^rd^r I. P. extiter, tresdecim querelas de placito transgressionis, nomine W. Y. & R. B. quatuor querelas transgressionis nomine W. E. absque vera materia seu iusta causa, sepe rat^{us} versus p^rd^r R. S. & A. leuauit & intrauit, ac p^rdict^r querentes huiusmodi querelas leuare procurauit ad graue damnum ipsorum R. & A. & contra formam ordinationis in huiusmodi casu prouis. &c.

For a conspiracie of diuers Bakers touching the making of bread.

VIatores p^r d^{omi}na Regina p^rsentant, q^{uod} A. B. C. D. E. F. & G. H. de M. in dict^r comit^u L. Pistores 2. die Octobris Anno regni domine nostre Eliz. Dei gratia Angliæ, Franciæ, & Hiberniæ Regine, fidei defensoris &c. Tricesimo nono, apud M. p^rdictam, in comit^u E. p^rd^r infimul conuenerunt, conspirauer, ac mutuo inter se p^rmisent^{ur}, quod p^rdenarij de integro frumento (per eos seu eorum aliquem, tum deinceps faciend^{um} ac vendend^{um}) non amplius quam 2. libras et sex vncias Troici ponderis habebit et ponderabit (quodcunq^{ue} imposterum foret vnius quant^{it}at^{is} frumenti pretium:) in dict^r d^{omi}ne Regine nunc contempt^{us}, ac in extremum pauperum dict^r dominæ Regine subditorum grauamen, nec non cont^r formam diuersorum statutorum in huiusmodi casu prouisorum & editorum.

Secl. 98.

For the taking of unreasonable distresse contrarie to the statute of

Merton, Anno. 52. H. 3. cap. 4.

VIator p^rsentant p^r domina Reg^{em} q^{uod} cum in statut^o in plament tenet apud M. anno H. 3. nuper Regis Angl^{ie} 52. int^{er} cetera ordinat^{um} sit, quod dist^rictiones sint rationabiles & nō nimis graues & qui dist^riction^{em} fecerint irrationabiles & indebitas, graui^{us} amercient^{ur} propter excessiua dist^riction^{em} ipsorum, prout in statut^o p^rdict^r plenius continetur. Quidam tamen A. B. de &c. statut^{um} p^rdict^r & p^rocnam in eodem content^{um} minime ponderans 12. die Iunij, anno regni &c. duas vaccas de bonis & catall^{is} W. F. &c. apud G. &c. in eodem comitat^u N. pro quinque solid^{is} in pecun^{ia} numeratis irrationabil^{iter} & excessiue destruxit & pro dist^ricti-

Secl. 99

one

Indictments and

one cepit vbi tempore districtionis & captionis predict' &c. quarunlibet predictarum vaccarum precium capitis erat xxx. s. contra formam statuti predict' &c.

For the taking of a distresse out of his fee, and in the high way contrarie to the Statute of Merton Anno 52. H. 3. cap. 15.

Sect. 100.

IVra presentant pro domina Regina, quod cum in statutu in parliam. to tēto apud M. anno H. 3. nup regis Angl' 53. nulli de cetero liceat ex quacunque causa districtiones facere extra feodum suum, nec in via regia, aut in communi strato, nisi domino regi, aut ministris suis specialem autoritatē ad hoc habentibus prout in statutu p'd plenius continetur. Quidam tamen A. B. & C. D. de &c. statutu predict' et poenam in eodem content minime ponderantes 2. die Iun' anno &c. 2. vaec' de bonis & catall' E. D. &c. apud F. &c. extra feod' ipsos siue ipsos alicuius, in comun' strato voc' &c. ad tunc & ibidem existent' distrinxer', & p' distriction' ceper', nec tempore distrinctionis p'd A. B. & C. D. non fuit ministri, nec aliquis eorum fuit minister dict' domini reg. nec habuerit, nec aliquis eorum habuit specialem autoritatem ad illud faciend', contra pacem &c.

Against Egyptians upon the Statute of primo and secundo of King Philip and Queene Mary.

Sect. 101.

IVr present, q' cum in statuto in Parlamento domini P. & domine M. nuper Regis & Regin' Angl' apud W. x. die No. annis Reg' suorum 1. & 2. tenet' & dicit' inter alia ordinatum existit, &c. quod si aliqua persona siue persone seipfos appellantes Egyptianos qui transportarentur, vel conueiarentur in hoc regn' Angl' siue Wallie, continuarent, et remanerent, infra idem, perspacium vnus mensis, quod tunc ipse vel ipsi sic offenderent, virtute actus predict' adjudicatur & estimati essent felones, & p' inde sustinerent poenas mortis & forisfact' terras & bonorum, vt in casu felonie iuxta ordinem communium legum huius regn'. Et super examina eos siue alicuius eos, triarentur in com', ac p' inhabitantes illius com', vel loci vbi ipsi vel ipse apprehenderentur, siue caperentur, & minime p' medietatem linguarum, et amitterent libertatem & privilegium Sanctuarij & cleri prout in eodem statuto plenius apparet. Quidam tamen M. P. & P. R. de &c. seipfos appellantes Egyptiāos, statutu predict' minime ponderantes, nec poenam &c. qui primo die April' anno &c. in hoc regnu Angl' transportati et conueiati fuerunt, ab eodem primo die Aug. anni &c. supradicto vsque decimum diem Sept' extunc p' xxi sequen' apud C. in predict' com' E. continuauerunt et remanserunt in eodem, otiosas vias suas non relinquentes, nec seipfos in scruiū alicuius habilis et honesti subditi hui' reg. Ang. collocat' querētes, neq; seipfos in aliquo opet' licio

licito siue occupationē honesta exercentes, in dominæ reginæ nunc contemptum, ac contra formam statuti pred' &c.

Against Egyptians upon the statute of 5. of the Queene.

Iuratores pſentant &c. quod cum in ſtatut in parliament dñe reginæ Sect. 102
nunc apud Weſtmoñ in com' **Spitoe**, 13. die Ianuar, anno regni ſui
quinto tenſ, ediſ inter alia &c. qđ omnes & ſingule perſona & perſone
quæ ab, & poſt priuſ diem Maij, tunc proximi ſequent viſæ vel inuentę
forent infra hoc Reg' Angl' ſiue Wallię in aliquo cōmertio vel con-
ſortio vagabundorum vulgo vocat, ſiue ſeiſpoſ appellat Egyptianoſ vel
ſeiſpoſ ſimulanteſ tranſmutanteſ ſiue fucanteſ Anglice *diſguiſing* per
eorum veſtitum, locutionem, aut aliam geſturam conſimileſ huiuſmodi
vagabundis communiter appellat vel ſeiſpoſ appellantiſ Egyptianoſ
& ſic facerent, continuarent, et remanerēt in eiſdem, aut ſemel, vel ſæpe,
per ſpaciū vnioſ menſis, qđ tunc eadē perſona ſiue perſone virtute hai'
actūſ elimateſ forent & adiudicarentur ſelo & ſeloneſ, et proinde ſuf-
ferent penaſ mortis, ac amiſſioñ terrarum et bonorum, vt in caſiſ ſelo-
niæ, ſecundum ordinē communium legum huiuſ regni. Et ſuper eorum
ſiue alicuiuſ eorum examinaſ in hac parte triarentur in comiſ ac per in-
habitantē comitatūſ vel loci, vbi ille vel illi apprehenderent ſiue cape-
rentur, et non per medietatē linguæ, et amiſſerent priuilegium et benefi-
cium ſanctuarij, et cleri, prout in eodem ſtatuto plene liquet. Quidam
tamen A.B.C.D. &c. ſtatutum pred' minime ponderanteſ nec penaſ
in eodem content verenteſ, poſt pred' primum diem Maij, ſcz. tertio
die Aug. anno regni doñ Regiñ nunc 35. apud E. in com' pred', viſi et
inuenti fuerunt in commertio et conſortio vagabundorum vulgo vocat
et ſeiſpoſ vocantiūſ Egyptianoſ, ac ſeiſpoſ ſimulantiūſ, tranſmutantiūſ, et
fucantiūſ, per eorum veſtitum, locutionem, et geſturam, conſimileſ hñdi
vagabundis qui vulgo vocantur Egyptiani, et ſic fecerunt, continuauē-
runt, et remanſerunt ibid, et alibi in eod' com', a pred' tertio die Auguſti
anno 35. ſupradicto vſque viceſimum diem Iulij tunc proximi ſequent
in dictę doñ reg' nunc contemptum, ac cōtra formam ſtatuti pred' &c.

For pulling out of eyes.

Iuratores pro domina regina pſentant, quod A. B. de C. in dicto co- Sect. 103
mitatu E. **Winker**, nono die Septembris, Anno regni dicte domine
noſtre Elizabethę, Dei gracia Anglię, Francię, et Hybernię Regiņę,
fidei deſenſoriſ &c. Triceſimo nono, in quodam loco apud C. predi-
ctam, in comitatu E. pred' (vocato le **Deane**) vi et armis in quendam D.
E. et C. predictam in com' E. predicto **yeoman**, in pace dicte domine
Regiņę

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Regine tunc ibidem existentem, insultum fecit, ac tunc & ibidem ex malicia sua præcogitata, digitis & vnguibus digitorum ipsius A.B. oculos ipsius D.E. felonice effodit ac eruit contra pacem dicti domini regis nostri, coronam & dignitatem suam, ac contra formam cuiusdam statuti in parlamento domini Henrici olim regis Angliæ quarti, tento apud Westmonasterium in comitatu Midd, anno regni sui quinto in huiusmodi casu prouisi & edici.

For cutting out of Tongues.

Secl. 104.

Iuratores dicunt quod cum per statutum in parlamento domini regis H. nuper regis Angliæ, quarto, anno regni sui quinto, apud W. tento edictum, ordinatum sit, quod malefactores, qui linguas amputarent, vel oculos euellerent ligearum domini regis, hoc debet comperto & probato quod tale factum ex malicia præcogitata fuit perpetratum, poenam felonie incurrerent, prout in eodem statuto plenius continetur: quidam tamen I.L. de &c. poenam in dicto statuto contentam minime verens, die &c. anno &c. vi & armis, scilicet, &c. felonice vt felo dicti domini regis, insidiand, & insultu præmeditat contra pacem domini regis coronam & dignitatem suam, in illa sua præcogitata malicia venit, apud H. in com H. & in quendam N.M. ad tunc & ibidem in pace Dei & domini regis existent, insultum fecit, & ipsum verberauit, vulnerauit, ac quodam cultello quem præd' I. L. ad tunc tenuit in manu sua dextra precij iij.s. linguam ipsius M. adiunc & ibidem felonice eruit & amputauit, contra pacem domini regis &c. ac contra formam & pui. statuti præd' &c.

An Indictment against a gaoler for suffering of one committed to him upon suspicion of felony for stealing of a horse to escape.

Secl. 105.

Iuratores, p domina regina presentant, quod vbi quidam A.B. nuper de C. in dicto comitatu K. **Whomaker**, sexto die Maij, anno regni dominæ nostræ Elizabethæ Dei gratia, Angliæ, Franciæ, & Hybernæ reginæ, fidei defensoris &c. tricesimo quarto, apud C. prædicti in comitatu K. prædicti, pro suspicionem cuiusdam felonie (videlicet vnus Equi, coloris albi, precij xl. solidi felonice per eundem A. B. vt dicebantur, capti & abducti) arrestatus est & captus, & coram T. F. vno Iusticiariorum dicti domini regis ad pacem in dicto comitatu conseruandam assignatorum ductus, & super inde postea, viz. dictis die, anno, & loco, cuidam B. D. in comitatu K. prædicto **Proman**, custodi gaolæ dictæ domine reginæ apud M. in dicto comitatu K. existenti (sub custod I. F. armigeri, ad tunc vicecomitis comitatus K. prædicti, & custodis gaolæ prædicti) per quoddam præceptum de Mittimus dicti T. F. Iusticiarii, idem A. B. traditus est & commissus, ad saluo & secure custodiendum in gaola prædicta, donec idem A. B. inde foret legitimo modo deliberatus præfactum I. F. (tunc vicecomes postea, videlicet,

sep.

sepcimo die dicti mensis Maij, Anno suprad', apud M. pred' in com' K. pred', prefatum A.B. (adtunc & ibidem in dictis gaola & custodia existentem) à pred' custodia & gaola, adtunc & ibidem euadere & ad largum ire voluntarie, & felonice permisit, contra pacem dictę domine regine, coronam, & dignitatem suam &c.

Another Indictment against a gaoler, for suffering of a woman committed to him upon suspicion of felony and murder to escape.

[Inquiratur pro domina regina, quod cum quedā M.N. nuper de B. in **Sect. 106**
p'd com' E. **Spinster**, 10. die Apr' anno &c. pro suspicionem felonie & murdr' ipsam M. apud B. p'd' in com' E. p'd' super quendā W.P. fieri & perpetrari supposit', cap't & arrestat' fuit apud B. p'd' in com' E. p'd', & eisdem die & anno p'd' M. cuidam Richardo B. de N. in com' E. p'd' **Peoman**, custod' gaolę dictę dñę regine comitatus p'd' sub Georgio P. armig' adtunc vicecom' comitat' p'd' & custod' gaolę p'd', per quoddam breue de Mitim' W.M. milie, & I.M. armig' duos Iusticiar' dictę dñę regine, ad pacem in eodē comitatu conseruand' assign', saluo & secur' custodiend' tradita fuit, quousq; eadē M. à custodia illa secundum legē & cōsuetudinē regni Angl', pro suspicionem murdr' pred' acquietat' siue deliberat' foret: Si p'd' R.B. de N. p'd' in p'dicto com' E. **Peoman**, postea sc. videlicet 6. die Nouemb. anno suprad' apud M. p'd' in com' E. pred', p'd' M. adtunc & ibidē in custodia ipsius R. in gaol' dictę domine regine existent', à gaola p'dicta, adtunc & ibidē voluntat' & felonice euadere & ad largum ire permisit, contra pacem dictę domine regine nunc &c.

An indictment against divers, for suffering of one which had confessed a felony before a Iustice of peace, and deliuered to them by the same Iustice of peace, to be by them conueied to the gaole, negligently to escape.

[Vt p' domina regina p'sentant, quod cum I.B. nuper de C. in p'd' com' **Sect. 107.**
E. **Spinner**, 8. die Decemb', anno regni regine Eli &c. primo, clausum cuiusdam I.G. apud C. p'd' in comit' E. præt' fregit & intrauit, ac vnam iuuenem coloris **Wolune**, precij xx. s. de bonis & catallis dicti I.G. adtunc & ibidē inuenit felonice cepit & effugauit, contra pacem dictę dñę reg'. Et pro felon' p'd' p' prefat. I.B. sic fact' & perpetrat', arrestat' fuit, & cor' G.R. armig' vno Iustic' dictę domine regine ad pacem in comit' pred' E. conseruand' assign', necnon &c. p' p'd' I.G. ductus fuit, & coram dicto G.R. dictus I.B. felon' p'd' confessus fuit, & ibid' G.R. per breue de Mitimus, p'fat' I.B. pro felon' p'd' ad gaolam dictę dñę regine de I. in comitatu p'd', quibusdā I.C. de C. p'd' **Peoman**, R.B. de eadē **Clothier**, & Ric M. de eadem **Wauer** deliberauit, saluo & secur' ducend' vsque
O. j. gaolam

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gaolam præd' de I. prædict, ibidem moratur quousque idem I.B. abinde secundum legem et consuetudinem regni Angliæ deliberatus foret: Et si præ I.C.R.B. & R.M. dicto 8. die Decembris, anno supradicto prefat I.B. apud C. præ in præ com E. in eorum custodiâ virtute deliberat præ sic existentem, ibidem negligentem a custodiâ sua ad largum ire et evadere permiserit, contra pacem dictę domine reginę, coronam et dignitatem suas &c.

An indictment against a Coroner upon the statute of Anno 1. H. 8. for extortion in taking of a fee for his view of the body of one slain per infortunium.

Sect. 108. **I** Vratores pro domina regina presentant, quod cum per statum in parlamento domini H. nuper regis Anglię 8. anno regni sui primo, ordinatum est, & stabilitum existit, quod super requisitione Coronator facta ad veniendum & inquirendum super visum corporis alicuius persone per infortunium occise, merse, seu aliter mortue, Coronator præ diligenter faceret officium suum super visum corporis cuiuscunque talis persone, vel personarum, absque aliqua re proinde capiendum, sub poena quod quilibet Coronator, qui officio suo ut præ est fungi recusaverit, vel rem aliquam ceperit pro functione officij præd', super visum corporis alicuius persone mortue per infortunium, pro quolibet tempore xls. prout in statuto præ plenius continetur. Quidam tamen W.B. de H. in com præ gener 12. die Dec' &c. ad tunc existit vnus Coronator dictę domine reginę in com E. præ, apud M. in com E. præ, colore officij sui præ extorsit, & iniuriose cepit pro feodo suo 20. solidis de quodam Roberto S. de B. in comitatu præ *reoman*, p executione officij sui præ super visum corporis cuiusdam Iohannis C. nuper de B. in com E. *Labozer*, qui apud B. præ in com E. præ 4. die Octob. anno &c. per infortunium occisus fuit, in contemptum dictę domine reginę, ad gravem dampnum ipsius R.S. & contra formam statuti præ, & diversorum aliorum statutorum inde actum & prouisum.

The like against a Coroner upon the statute of Anno 1. H. 8.

Sect. 109. **I** nquiratur pro domina regina, si A.C. de B. in comit E. gener sexto die Iunij, Anno &c. vnus coronator dictę domine reginę in dicto comitatu E. ad tunc existens, apud B. præ, in comitatu E. præ colore officij sui præd', extorsit & cepit pro feodo suo 20. solidis, de quodam I.S. in dicto comitatu gener, in, & pro functione & executione officij sui prædicti, super visum corporis R.N. nuper de B. prædict in comit E. præ (qui quidem R.N. 5. die dicti mensis Iunij, anno supradicti apud B. præ in comit E. præd' casu, ab equo suo, per infortunium fuit occisus) in magnum dictę domine reginę contemptum, ac contra formam statuti in parlamento domini Henr nuper Regis Anglię 8. tento anno regni sui primo, in huiusmodi casu, pmissi ac edicti.

For Extortion by an Escheators servant, in breaking and entring into a dwelling house, and for seising and taking out of the same certaine leather by colour of his office.

IVr pro domina Regina presentant, qd Rob. Bennet de P. in com E. p^{re}dicti Sect. 110
IV. seruientis et minister cuiusd^{am} B. T. Escheat dictⁱ dñe reg. com p^{re}dicti 15
 die Iulij &c. apud W. in com. E. p^{re}dicti domū mansionalem cuiusd^{am} Ioh.
 M. fregit et intr^{avit}, & 6. tergora corij voc^{at} 12. **hides of greene leather**, ad
 valenc^{iam} 8. li. & 6. duodenas pell^{is} viculof, voc^{at} 6. **dozen of Calves skins**,
 ad val^{orem} 4. li. x. s. q^{uod} quidē terg. et pell^{is} ad tūc et ibid^{em} inuēit color officij
 sui exorsive et iniuste cepit, seisiuit, et asportauit, ad graue damⁿ ipsius I.
 contra leges et ordinationes dictⁱ dñe Reg. regni sui Anglⁱ, & cōtra for-
 mam diūlorum statutorum in huiusmodi casu edit^a & prouis.

*An indictment against the Register of an Archbishop for his extortions ta-
 king of more fees then he ought, for the probate of a testament.*

IVratores pro domina Regin^a presentant, quod A. B. de C. in dictⁱ Sect. 111.
 com E. generosus, primo die mensis Aug^{ust} &c. ad tunc scriba (siue re-
 gistrarius) reuerendi in Christo patris D. tunc permissione diuina E.
 Archiepiscopi existens, apud M. in comitatu E. p^{re}dicti colore officij sui
 p^{re}dicti, exorsive ac iniuriose cepit de quodam I. S. de M. p^{re}dicta in dic-
 to com E. **Wanner**, duos solidos legalis monet^e Anglⁱ, pro feodo ipsius
 A. B. pro scriptione probationis vnius testamenti cuiusd^{am} R. N. (qui
 quidem R. N. apud M. p^{re}dicti infra diocesim dicti D. Archiepiscopi
 vicesimo quarto die Iulij, Anno supradicto mortuus est) vbi reuera
 idem Testamentum tunc ibidem allatum est ad dictū scribam (siue
 Registrarium) per dictum I. S. in pergamenō scriptum: & vbi omnia
 bona, iura, et credita dicti R. N. dicto tempore dict^e mortis sue non
 excedebant summā quinq; lib^{ras}: & vbi etiā tota dicta scriptio p^{ro}bation^{is}
 testamenti p^{re}dicti p^{er} p^{re}dicti scribā (siue Registr^{um}) sic vt p^{er}fecta facta nō continebat
 in se 40. lineas quā quēq; linea erat dec^{em} pollic^{um} in longitudinē: In magn^a
 dictⁱ dñe reg cōtēp^t, ac cōt^{ra} formā cuiusd^{am} statuti in parliam^{ento} dñi Hen^{rici}
 nuper reg. Anglⁱ 8. tēto, An^{no} reg. 2. in hūdi casu p^{ro}uisi ac q^{ui} diti.

*An indictment against an Escheator upon the statute of 33. H. 8. for sitting &
 inquiring by colour of his office, without writ, of lands holden of the Queen
 above the yearly value of five pounds.*

IVratores &c. qd cum in statu^t in Parliament Domini H. nuper regis Sect. 114.
 Anglie Octauⁱ apud Westm^{onasterium}. Anno regni sui 33. &c. quod nullus
 O. ij. eschaetor

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eschætor federet tantum virtute officij sui pro inquisitione, de tenura, titulo, vel valore aliquarum terrarum, tenementorū, siue hereditamentū, ubi cad' terz, teñta, seu hereditamentū, sint valoris s. libras pannū, vel supra, & tenē de domino Rege sine breui Domini Regis sibi inde dirigēd' sub pœna amittendi & forisfaciendi p quolibet tempore quo federet et faceret inquisitionē contra formam huius statuti, quinque libras, in qua secta &c. Quidam tamen R. S. statutum pred' &c. existēd' eschætor dñe Reg. in cōm E. pred' tali die & anno, apud D. in pred' cōm E. sedebat, tantum colore officij sui ad inquirend' post mortem cuiusd' A. E. de tenura, titulo, et valore duorum mes, 40. acf pasc', 30. acraſ prati, 50. acraſ pasturæ, et 20. acraſ bosci, cum pertinēti in O. in cōm E. p'd' annui valoris decem librarum & vltra, et tenē de domina Regina, absque aliquo breui ipsius domine sibi inde directo, in dicta dominæ Regine cōceptum, et contra formam & prouisionem statuti pred' &c.

An inquisition taken before a Coroner vpon the view of the body of one which had hanged himself in a leather girale vpon the bough of a tree.

Sect. 113.

Inquisitio indentat' capta apud N. in comitatu pred' 13. die April' ann' &c. 35. coram Iohann' N. gen' vno Coronat' dictæ dñe Reg. comitatus pred' super visum corporis cuiusdam H. W. de D. in cōm E. p'd' tho. ibid' mortui iacent' p sacramentū &c. qui dicunt sup sacramentū suum, qd' pred' H. 4. die Apr. ann' regn' dictæ dñe Reg. 35. supradicto, circa hor' 4 post meridiem eiusd' diei, deum p oculis suis non habens, sed inligationē diabolic' seduct' in quodā prato cuiusd' W. S. gen' apud T. in pred' cōm G. voc' E. *peadow*, ad tūc et ibid' solus existens, cum vno singulo corij p'cij 1. denar', q' ipse ad tunc et ibid' manibus suis tenuit et vnum finē inde circa collū suū ad tūc et ibid' posuit, et circa ramum cuiusd' arboris salicis alter finē inde ligauit et seipsum ad tunc et ibid' voluit et felonice suspend', suffocabat, & strangulabat. Et sic Iur' p'd' dicūt sup sacramētū suū, q' p'd' H. W. modo et forma p'd' ad tūc & ibid' voluit et felonice, vtfelo de se, seipsum murderauit, cōtra pacē dict' dñe Regin', ac q' idē B. nulla habuit bona seu catalla, terras neq; teneñra. In cuius rei testimon' tā p'f. coronat' quam iur' p'd' p'sent' sigill' sua apposuer', dat' die, an. & loco suprad'.

Of forcible entrie vpon the statute of Anno 5. R. 2. for pulling up by the roots of 100. pearches of quick-set.

Sect. 114.

In primis pro domina Regina &c. quod cum in Statuto in Parlamento Domini R. nuper Regis Angliæ secundi post conquestum apud Westm' in cōm Middl' Ann' regn' sui s. tenē, edict', inter cetera ordinat' sit quod nullus faceret ingressum in aliquam terram siue tenementa,

nisi

nisi in casu vbi ingressus datur per legem, & in illò casu, non manusforti, nec cum multitudine gentium, sed licito & quieto modo tantum. Et si quis contrarium fecerit, & inde debite convictus fuerit, per imprisonment corporis sui puniatur, & finem ad voluntatē domini regis fac, prout in eodem statuto inter alia plenius continetur. Quidam tamen T. H. de I. in comitatu E. prædicto *Wroman*, &c. & alij malefactores ignof &c. statutum prædictum minimè ponderant secundo die M. &c. vi & armis viz. baculis, gladijs, falcatris, & bifurcis, in vnum clausum I. C. Militis iacent apud Arrow. in comitatu E. prædicto, in quodam loco ibidem voc' A. super possessionem eiusdem I. C. militis, vbi ingressus eis aut eorum alicui non datur per legem, illicite ingressum fecerunt, & centum peticas sapium viuas ipsius I. C. militis, ad tunc & ibidem crescent eradicauer, euulserunt, & spoliauerunt, in dicta domine regine nunc contemptum, & ad graue damnum ipsius I. C. militis, & contra formam statuti prædicti &c.

For forcible Entry upon the statute of An. 5. R. 2. for entering into a messuage, and expulsiue of the owner thereof.

Inquiratur pro domina regina, quod cum in statuto in parlamento domini Rich' nuper regis Angliæ post conquestum 2. apud Westmon anno regni sui 5. tenet, ordinat & stabilit existit, quod nulla persona extrinsecus faceret aliquem ingressum in aliquas terras vel tenementa, nisi in casu vbi ingressus datur per legem, & in huiusmodi casu, non manusforti, nec cum multitudine gentium, sed quieto & pacifico modo tantum. Et si aliqua persona extrinsecus de cætero in contrarium faceret, & inde debito modo conuinceretur, puniretur per imprisonment corporis sui, & ulterius finem & redemptionem eidem domino regi, ad voluntatem & placitum ipsius domini regis faceret, prout in eodem statuto inter alia plenius continetur. Sed quidam W. nuper de K. in com' E. prædicto *Walsbandman*, I. W. sen de E. in com' E. prædicto *Walsbandman*, & I. W. nuper de E. prædicto in com' E. prædicto *Labozer*, statuti prædicti minimè ponder, nec poenam in eodem statuto contentam aliquamiter verent, sed illud potius contemnentes, 24. die Ianuar' &c. apud S. in comitatu E. prædicto, in vnum messuagium sue tenementi existens libet tenementi cuiusdam I. H. illicite & manusforti ingressi. fecerunt, vbi nec ipsis nec eorum alicui huiusmodi ingressus datur per legem, ac ipsum I. H. inde iniuste expulsi, ipsumque I. sic inde expulsus, a prædicto 24. die Ianuar' anno prædicto, vsque ad 26. diem eiusdem mensis tunc prox' sequent, illicite & manusforti extraxerunt, in contemptum dictæ domine regine nunc, & ad graue damnum ipsius I. & contra formam statuti prædicti, ac contra pacem dictæ domine &c.

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An indictment upon the statute of Anno 8.H.6. for entering with force into a barn in the possession of the farmer thereof, and for keeping of the same with force.

Sect^r 116.

Iuratores pro dñā Regina, &c. quod cum in statuto in Parlamento Domini H. nuper Regis Angliæ sexti, apud West. in comit^r Midd, anno regni sui 8. tenet^r, ædit^r, inter cetera continet^r, quod si aliqua persona siue aliquæ personæ, de aliquibus terris seu teneñtis manufort^r expulsi seu disseisi sit, vel pacificè expellatur, & postea manufort^r extr^r teneat, vel aliquod freoffament^r vel discontinuatio inde post talē ingressum ad ius possessoris defraudand^r & tollend^r aliquo modo fiat, habeat in hac parte pars grauat^r, versus talem disseisitor^r Assisam nouā disseisiñ, vel breue de transgres^r. Et si pars grauat^r, per assisam vel per actionē transgressionē recuperet & per veredictum vel aliquo alio modo per debit^r legis formam inueniat^r, quod pars defenden^r in terr^r & tenement^r illa vi ingressa fuit, vel ea per vim post ingressum suum tenuit: recuperet quæ damna sua ad triplum versus talem defendē, & ulterius idē defendē finē & redemptionē dicto domino reg^r faceret, prout in statuto p^rdicto plenius continetur. Quidam tamen W.W. nup de W. in p^rdicto com^r E. husbandman, & C.D. nup de W. p^rdicto, in p^rdicto com^r E. labozer, statu t^r p^rdicto minimè ponderant, nec poenam in eodē statuto contentē aliquāliter verentes, 19. die Febr^r anno & c. in vnum horreum apud W. p^rdicto ad tunc existent^r libere tenement^r R. W. gener^r, vi & armis, viz. gladijs &c. manuforti & illicite sup^r possessionē cuiusdam A.M. tunc firmarij p^rdicto W. hor^r p^rdicto intraverunt & ingressum fecerunt, & ipsum A. vi & armis p^rdicto ac manufort^r & illicite tunc inde expulsi & eiecerunt, & p^rdicto R.W. inde iniuste disseisiuerunt, & p^rdicto R.W. sic inde disseisitum a p^rdicto 19. die Febr^r, anno 15. supradict^r, vique diem captionis huius Inquisition^r, de pred^r horreo vi & armis p^rdicto, & manuforti extratenuer^r, & adhuc extratenent^r, in contempt^r dict^r dñę reg^r nunc, & ad graue damñū ipsius R. & contra pac^r dict^r dñę reg^r, ac contra formā statuti p^rdicti, vbi null^r eor^r, nec ipsi, nec aliquis ali^r cuius statum ipsi, aut aliquis eor^r habuit aut habuer^r, infra tres annos proximi ant^r ingressum suum p^rdicto, aliquid in dict^r hor^r &c. aut in aliqua inde parcell^r habuit &c.

An inquisition upon the statute of Anno 8.H.6. wherein is found that one was with force and armes expelled out of the possession of a manor and lands.

Sect. 117.

Inquisicio capt^r apud W. in com^r S. primo die I. anno regni dñę Elizabeth. Dei gratia &c. 35. coram R.W. milit^r F.G. arm^r R.F. Iustic^r dict^r dñę reginæ ad pacem in com^r p^rdicto conservand^r, necnon ad diuersas felon^r, transgress^r. & alia malefacta in eodem comitatu perpetrata audiend^r & terminand^r assign^r per sacramentum 12. Iur^r exist^r p^resent^r, qui dicunt
super

super eorum sacrament quod cum in statuto in parliamento domini H. 6. nuper Regis Angl' apud W. ann' regni sui octauo tenet edit, inter cetera continetur qd si aliqua persona de aliquibus terris vel tenementis manu- forti expulsa sit vel disseisita, vel pacifice expellatur, & postea manu- forti extrateneatur, vel aliquid feoffamentum vel discont inde, post ta- le ingressu, ad ius possessoris defraudand' seu tollend' aliquo modo fiat, habeat pars in hac parte grauata, versus talem disseisitorem, Ass. noue disseisin', vel breue de transgr. Et si pars grauata per Ass. vel per actione transgr. recuperet, & per veredictum, vel alio modo, per debitam legis formam inueniatur, quod pars def. in terras & tenement ill' vi ingressum fecit, vel ea post ingressum suum, per vim tenuerit recuperet querens damna sua ad triplum versus defend', & ulterius finem & redemptionem domino regi faciat, prout in statuto pred' plenius continetur. Quidam ta- men I. S. nuper de A. in comitatu S. p'd' yeoman, & alij ad numerum vj. person' iur' ignot' statutum p'd' minime verent', ix. die Aug. An. reg. dñe Eliz. nunc Regn' Ang. 24. R. W. armig' de manerio de G. cum p'tin in A. in comitatu p'd', & de ducentis acris terre, xx. ac' prati, & centum ac' pastur, cum p'tin, in A. pred' in comitatu pred', vi & armis & ma- nuforti, viz. gladijs, baculis, & cultellis, ppulerunt & disseisuerunt, & ipsum sic expulsum, & diss. a pred' nono die A. Ann' supradict' vsq; diem capionis huius inquisitionis, manu forti & vi & armis, p'd' R. W. ex- trahuerunt, contra pacem dicte domine Regine nunc, & contra for- mam statuti predict' in hoc casu editi et prouisi.

For counterfaiting of a protection, and putting to it the great seale taken from other old letters Patents.

Irat pref. quod R. D. nuper de H. in com' H. Husbandman, & alij Sect. 118. Machinantes, quomodo populum domini Regis nunc subtilissime po- terint decipere vel defraudare, & dominum regem, de his quæ ad ipsu regem pertinent, & regalia sua, vt de feod' magni sigilli & huiusmodi, exheredare, et veram legem Angl', a toto tempore vsitatam & appro- batam subuertere & adnullare, xvi. die Februarii &c. apud T. in co- mitatu M. deceptiuè, falso & proditorie, quasdam falsas literas pates- tes, ad similitudinem script' cancellar' domini regis, contrafecit, quasi essent litere patentes, de protectione ipsius Reg. sub nomine I. K. clerici hancaperij Domini Regis, ac vnus clericorum Cancellarie predict' scripsit hunc tenorem continen', viz. H. dei gratia &c. reciting the let- ters Patents verbatim. Ac cum iidem R. B. & alij &c. dictas falsas li- teras patent' sic vt p'mittit, controfecissent, non habentes magnum sigil- lum domini regis, deceptorie, falso, & proditorie, machinât, qualiter ip- si falsas et fictas literas patentes huiusmodi subtilius poterant sigillare, &

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magnum sigillum domini Reg. contrafacere, dict' 16. die Februarij an. supradict' apud B. in cosu pced' quoddam magn' sigillum domini Reg. super quasd' patent' ipsius domini Reg. pante pend', et debet impositum, acceperunt, allumentes sibi regiam potestatem et ipsum regem regali sua auctoritat' (quantum in eis fuit) priuant, adtunc & ibidem cum quodam cultello arripuerunt, et illud dict' is falsis, si quis, & contrafactis literis patent' decept' & p'ditor' apposuerunt, & annexerunt, & easd' literas sigillauer', sigill' ill' subtilit' recludendo, quasi sic non fecissent, & sic magn' sigillu dñi Regis adtunc & ibidem p'dit' contrafecer', & cum p'missa sic fecissent, dictas falsas & contrafact' literas patent' ac vt pced' sigillatas, 8. die Mart' &c. apud villam de S. in comitatu M. ac in diuersis locis eiusdem cosu, tanquam literas patent' ipsius domini regis de protect', deceptor', falso, & p'ditorie, publicauerunt, & diuersas pecuniarum summas, de diuersis ligis dñi reg. receperunt, virtute dictar' falsarum fictar' & contrafactarum literarum patent', in deception', domini Regis, ac populi sui p'iudic', et exhereditationem manifestam &c.

An indictment against a Minister upon the statute of Anno 5. Hen. 8. for forging of an Indenture of bargain and sale of Lands.

Secl. 119

Inquiratur pro domina Reg. q' cum in statuto p'liar'nto domini H. 8. super regis Angl' apud Westm' anno regni sui quinq', cent', & dñs, &c. quod si aliqua persona siue person' que. unque post primum diem Iunij tunc p'xim' sequentem, ex sua p'pria mente & imaginatione, seu p' falsā conspiration' & fraudem, cum alijs, scienter, subtiliter, & falso fabricaret siue faceret, siue subtiliter causeret, seu scienter consentiret fabricari, siue fieri, aliquod falsum factum, chartam, seu scriptum sigillatum, Rotul' curiæ aut testamentum alicuius persone siue personarum in scriptis, ea intentione, q' status liberi tenemēti, seu hereditatis alicuius person', siue personar', de, in, aut ad aliqua terras tenementa seu hereditamēta libere teneret, aut customar', vel rectum, titulus, siue interesse, alicuius person', siue personarum, de, in vel ad ead', siue aliquod eorum, molestari, perturbari, destrui, recuperari, vel onerari, poterit, aut contingeret, aut post p'd' primū diē Iunij, p'nunciaret, publicaret, seu ostenderet in euidentiam, aliquod tale falsum & effectum factum, cartam, scriptum, Rotul' curiæ, aut testamentum, tanquam vera, sciens eadem facta falsa ac ficta (vt p'fertur) ad intentionē supramentionat', & inde foret convictus, aut super aliquam actionem siue actiones fabricandi falsa facta, super hoc statim fundand' ad sextam partis grauate, vel aliter, secundum ordinem & debet' cursum legum huius Reg. Angl', aut super billam vel informationem in Cur' cameræ Stell' exhibend', iuxta ordinem & vsum Curiæ ill' solueret parti grauate, custagia & damna sua ad duplum, inueniend' seu

assidens in curia ubi huiusmodi conuictio foret: ac etiam statueretur super collistrigium in aliqua aperta villa mercatoria, aut alio loco aperto, et ibidem haberet ambas aures suas abscisas, ac nares suas interficere & in partes diuisas, et ferro igneo cauterifatas, sic quod remanere possent pro perpetua nota & signo falsitatis suæ, & forisfaceret domine Reg. hered' & successor' suis integ' exitis & proficua terrarum & tenementorum suorum durante vita sua, ac etiam sufferet & haberet perpetuum imprisonment durante vita ipsius, pred' damnis & custagijs recuperand' ad sectam partis grauata (vt prefertur) primo soluendis & leuandis de bonis & catallis offendentis, & de exitibus & proficuis dictarum terrarum, tenementorum, & hereditament' huiusmodi partis conuictæ, aut vnus seu vtriusque eorum pred' titulo dict' domine Regine hered' vel successorum suorum ad eadem non obstante, prout in eodẽ statuto inter alia plenius liquet. Quidam tamen T. M. de C. in p'd' com' E. Clericus, statutum pred' non ponderans, nec poenam in eodem contentam verens, post pred' primum diem Iunij, scilicet, &c. apud T. in pred' comitatu E. extra propria mente & falsa imaginatione, conspiratione, et couina, quoddam falsum factu, viz. quand' Indenturam, per quam quidam T. A. bargainizaret et venderet omnes illas terras & tenementa vocat' &c. cum pertin' in T. in p'd' com' E. cuidam I. S. scient' subtili, & falso fabricauit et fecit, & eadem Indenturam tunc et ibidem pronunciavit, publicauit, & legi fecit & in euidenciam ostendit, ad molestand', destruend', & perturband' statum, possessionem, titulum & interesse p'd' T. B. in terris & tenementis p'd', p' q' idẽ T. B. de possess. titulo, et interesse suis, ad tenementa pred' cum pertinentijs multipliciter pregrauar' et vexat' existit, in dict' domine Reg. legisque sue contempnum manifestum, & ipsius T. damnum non modicum & grauamen, ac contra formam statuti predict' &c.

For forestalling the Market, and buying Saltfish by the way in committing to the Market.

[Inquiratur pro domina Regina quod cum R. N. de ciuitate N. in com' Sect. 120. ciuit' N. mercator possessionatus fuit de mille falsament' vt de suis bonis proprijs, si I. T. de ciuit' N. p'd' fishmonger, tertio die &c. apud N. pred' in com' pred' ciuit' N. et diuers' alijs diebus tam antea quam post, p' R. N. tunc et ibidem obuian' cum dictis mille falsament' in mercat' ciuit' pred' in comitatu pred' vendit' pred' mille falsam de p'f. R. N. ad tunc & ibidem extra mercatum ill' emit & forstallauit, per q' pred' R. N. p'd' mille falsament' ad mercat' p'd' non adduxit in contempt' domine Reg. ac contra formam diuersorum statutu in h'adi casu edit' et prouis. ac cont' pacem dict' domine Regine.

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An Indictment upon the statute of Anno 33. H. 8. against a Tipler for keeping of a common bowling alley & against divers others for using to brome in the same alley.

Sect. 121

I Vratores pro domina Regina presentant, quod A. B. de C. in com E. Tipler, secundo die Septembris An. &c. & continue post dict diem Anno supradicto usque primum diem mensis Octobris, An. supradicto apud C. p̄d in comitatu E. p̄d, quendam comunem locu iaciendi globos (vocatū Anglice, *A cominen bowling Alley*) p lucro ipsius A. B. proprio, & ad ludendum tunc ibidem cum globis (Anglice vocat *Bowles*) illicite tenuit, custodiuit, ac manutenuit, contra formam cuiusdam statuti in Parlamento domini Henrici nuper regis Anglie 8. tento anno regni sui 33. in hūdi casu prouisi & editi: Et q̄ I. S. de O. p̄d in dicto com E. *Labourer*, & tres alie persone ignote, dicto secundo die Septemb' an. supradicto, dictum comunem locum v'sitauerunt, ac tunc ibidem cū globis (Angl' vocat *Bowles*) in similibus et illicite luserunt, contra formam statuti predicti &c.

An Indictment upon the statute of Anno 8. H. 5. for gilding of the hilt of a dagger with the finest gold.

Sect. 122.

I Vratores pro domina Regina presentant, q̄ A. B. de S. in dict' com E. Auri faber secundo die Iulij Anno &c. 35. apud S. p̄d in com E. p̄dicto, quoddam manubrium pugionis ferrei (Anglice dictum a *dagger hilt of yron*) cuiusdam E. D. de S. predicta in dicto comitatu E. *perman*, valoris duorum solidorum, auro purissimo ad valentiam quinq; solidorum deaurauit (Anglice *did gild with the finest gold*) in magnam Reipublice detrimentum, ac contra formam cuiusdam statuti in Parlamento domini H. nuper Regis Anglie quinti, tent Ann' regni sui octauo in hūdi casu prouisi & editi.

An Indictment against a Black-Smith, for selling of a gelding to a Scot to be conueied into Scotland without the Queenes licence.

Sect. 123.

I Vratores pro domina Regina presentant, quod quarto die mensis Iulij, Anno regni dict' dñe nostre Eliz. Dei gratia Angl', Francie, & Hybernie Reg. fidei defensoris &c. Tricesimo quarto A. B. de C. in comitatu E. *Black-Smith*, apud quendam locum vocatum *le ferrit* (in C. p̄d in com E. p̄d existentem) vnum spadonem (Anglice dictum a *Gelding*, coloris albi, & pretij quatuor librarum legalis monete Anglie, cuiusdam A. D. generolo (natione homine Scoto) pro summa quatuor librarum in pecunijs numeratis pred' A. B. per prefat A. D. tunc ibidem solutis voluntarie vendidit. Actunc & ibidem, eundem equum eidem A. D. ea intentione ad equum predictum in regnum Scotia

Scotiz abducendum & conueciandum (absque aliqua speciali licentia dictæ domine regin' nostr' nunc, per literas suas patentes sub magno Sigillo Angliæ ad idem sic faciendum inde prius obtenta) voluntariè & felonice tradidit ac deliberauit, contra pac' dictæ diæ reg' nostr' nunc, ac in enervatione huius regni sui Angliæ, necnon contra formã diuersor' statutorum in huiusmodi casu præantea prouisorum & editorum.

For beating of two horses, of which beating the one of them died presently, and the other was sore hurt.

Inquiratur &c. si E.H. &c. decimo die &c. vi & armis, viz. &c. duos equos coloris albi, precij &c. de bonis & catallis cuiusdam I. F. apud M. in præd' comitatu E. inuent' quodam baculo percussit & vberauit, in tantum quod vnus equus equorum predict' ex percussione & verberatione illius ibidem incontinententer interiit, alterque equorum præd' multipliciter fatigat' l'esus & deteriorat' existit. Et alia enormia eidem I. F. inulcid' graue dampnum ipsius I. F. & contra pacem diætæ domine reginæ &c.

Sect. 124.

An indictment vpon the statute of Anno 13. Ed. 3. against the inhabitants of a Towne for the not taking of such persons which had robbed one of C. li. the party robbed making Hue and cry, and giuing notice to the inhabitants of the same Towne of the robbery.

Inquiratur pro dom' Regina, quod cum in statuto in Parlamento domini E. nuper regis Angliæ primi, progenitoris domine reginæ nunc, apud Winton, anno regni sui 13. tenf. edit', inter cetera ordinat' sit, pro eo quod, de die in diem roberie, homicidia, incēdia domorum, & latrocinia, plus solit' tunc fiebant quam antea solebant, & felones non potuissent esse attinct' per sacramentum Iurat', qui magis voluntariè permittebant felonias fieri gentibus extraneis, & felones euadere absque poena, quam malefactores Indictari, vbi maior pars fuerunt gentes de eadem patria, vel adminus, si malefactores fuerunt de alia patria, eorum receptores fuerunt de visu vbi huiusmodi malefacta fiebant, & hoc faciebant, pro eo quod sacramenta eisdem Iuratos non ministrabantur, nec in patria vbi felonie illæ fiebant, & quoad restitutionem dampnorum, poena ante nunc non fuit prouis. pro concealament' & negligencia suis. Idem nuper rex pro posse huiusmodi felonias debilitand' & decrescend' stabiliuit poenam in illo casu, ita quod exinde magis pro timore poenæ quam pro pavore sacramentis, nullis felonibus extrinsecus parcerent, nec aliquis felonias extunc concealaret, & quod proclam' fierent in omnibus Comit', hundredis, mercatis, feriis, & omnibus alijs locis vbi multitudo gentium foret assemblata, sic q' nulli per ignorantiam se possint excusare, & quod quolibet patria extunc sic possit custodiri, quod instanter

Sect. 125.

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instante post roberias & felonias factas, recens insecut fieret de villa in villam, de patria in patriam, & etiam inquisitiones fierent, si necesse foret, in villis per ipsum qui domus vel superior esset in villa, & postea in hundred & franchesia, et in comitatu, et aliquando in duobus tribus, vel quatuor com, in casu quando felonie facte fuer in Marchijs & confinjs com, ita quod malefactores potuissent esse attriti. Et si patria de corporibus huiusmodi malefacti non responderet, poena talis esset, quod quilibet patria, scz. homines in patria commorantes, responderent de roberijs factis & damnis, sic quod totum hundred, vbi roberia facta fuit, cum franchesijs, que essent infra precinctum eiusdem hundredi responderet de roberijs factis. Et si roberia foret in diuersis duorum hundredorum, in huiusmodi casu responderent inde ambo hundreda, simul cum franches. quae forent infra precinctum hundredi p'd, & longioris temporis spacium non haberet patria post roberiam & felonias factas, quam xl. dierum, infra quos faceret emend de roberia vel de malefactis, vel responderet de corporibus malefactorum, prout in statuto pred' plenius continetur. Ac cum quidam malefactores ignoti tertio die M. anno &c. apud N. in com E. pred', quae quidem villa est infra hundred de H. vi & armis, viz. gladijs, baculis, & cultellis, in quendam O. C. insultum fecerunt, et centum libras de denarijs ipsius O. ibidem inuenit, felonice ab eodem O. spoliauerunt ceperunt & asportauerunt contra pacem &c. vt alibi. Ac idem O. quam potuit citiss. post feloniam & spoliacionem pred' facias, scz. quarto die M. anno &c. supradicto apud N. pred', per totam eadem villam, hutesium & clamorem de roberia pred' fecit, et noticiam ibidem inhabitantibus eiusdem villae de roberia illa dedit, & post roberiam xl. dies iam praeterierunt. Iidem tamen inhabitantes emend de roberia praed' facti O. hucusque non fecerunt, nec corpora felonum & malefacti praedictorum ceperunt, neque de corporibus eorum hucusque responderunt, sed malefactores & felones illos euadere permiserunt, in dictae dñe reginae nunc contemptum, & ipsius O. graue damnum, & contra formam statuti praed' &c.

An Indictment against diuers persons upon the statute of 1. H. 7. for hunting by night in one of the Queenes parkes, and killing of a brace of Bucks with Crossebowes, and denying of the same upon their examinations.

Sec. 126.

Intratores pro domo Reginae presentant, quod secundo die Augusti, Anno regni dominae nostrae Elizabethae, Dei gratia Angliae, Francie, & Hyberniae Reginae, fidei defensoris &c. Tricesimo quinto, inter horas decimam et vndecimam in nocte eiusdem diei, A. B. de C. in dicto comitatu E. generos D. E. & G. H. de F. in dicto comitatu E. **W. bandman**, aggregatis sibi nonnullis alijs malefactoribus ignotis, ad numerum sex personarum, vi & armis, videlicet, prelongis baculis, arcubalistis,

balistis, & sagittis, clausum & parcum dicti domine Regine nostre apud O. in dicti comitatu F. fregerunt, intrauerunt, & vnum par damas dicte domine Regine (Anglice vocat a *bjace of bucks*) in dicto parco adtunc et ibidem depascens inuenit illegitime venati sunt, ac cum duobus sagittis ex dictis arcubalistis emissis & sagittatis, adtunc & ibidem occiderunt, et asportauerunt, contra pacem dicte domine Regine: Ac quod postea, die sequente, viz. tertio die dicti mensis Augusti, Anno supradicti T. S. tunc parcarius dicte domine Regine dicti sui parci de O. pred' in comitatu E. pred' informauit apud C. predictam T. W. vnum Iusticiarium pacis dicte domine Regine, in dicto comitatu E. pred', de illicita venatione predicta, modo & forma predictis facta, qui quidem Iusticiarius superinde warrantum suum in scriptis postea, videlicet, dicto tertio die Augusti, Anno supradicto disexit cuiusdam K. M. vni Constabulariorum Hundredi de S. in comitatu E. pred' (in quo quidem hundredo site sunt pred' villæ de C. & F.) eo tenore, vt idem Constabularius arrestaret prenominos A. B. D. E. & G. H. ac eosdem coram eodem Iusticiario duceret & haberet, ad eos de dicta illicita venatione examinandum. Et quod dicti A. B. D. E. & G. H. postea, scilicet dicto tertio die Augusti Anno supradicto, coram dicto Iusticiario apud C. pred' in comitatu E. pred' per Constabularium predictum virtute dicti warranti adducti, ac per eundem Iusticiarium per suam discretionem adtunc et ibidem de dicta illicita venatione, & de factoribus in ea parte examinati existentes, pred' tamen venationem voluntarie & felonice concealauerunt & eorum quilibet voluntarie & felonice concealauit: Contra pacem dicte domine Regine, coronæ & dignitatem suas, necnon contra formam cuiusdam statuti in Parlamento domini H. nuper Regis Angliæ septimi tento Anno regni sui primo, in huiusmodi casu prouisi ac editi.

Another Indictment against diuers persons for hunting in a park in the night time, with three greyhounds, and for killing a bucke, and for vsing in the same park a net called a Buckestall.

Inquiratur pro domina Regina, si E. P. de C. in comitatu G. gen', H. P. de C. in comitatu pred' gen', & R. B. de C. in comitatu pred' pro man xxx. die Augusti, Anno & c. circa horam duodecimam in nocte eiusdem diei, aggregat sibi quamplurimis alijs malefactoribus, & pacis dicte domine Regine perturbatoribus ignos, vi & armis, viz. baculis ferromunit, arcubus, sagittis, pugionibus & cultrellis, & alijs armis tam inuicem suis quam defensiuis, clausum & parcum Eliz. P. vidue apud H. Sancti Georgij in com' pred', iniuste freget & intrauet, et damas ipsius Eliz. adtunc & ibidem in parco pred' cubant & depascens, cum tribus canibus leporarijs vocatis *Greyhounds*, et vno rete voc' a *Buckestall*, quod

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in parco p^d tenendⁱ, iniuste venat sunt & chasauer, et vnam damam vocat^a a **Bucke** ad tunc et ibidⁱ cum canibus p^{re}dⁱ, riotose ceperunt, occider^e & asportauer^e, contra pacem dictⁱ domⁱ Regin^e, ad graue damⁿ ipsius Elizabeth. & contra form^a statutⁱ in huiusmodi casu edit^e et prouisi.

An Indictment against diuers for chasing of a Bucke in one of the Queens Forests with a Greyhound into coards, where he was hanged and killed.

Se^ct. 128.

Inquiratur pro domina Regina, si R. M. nuper de O. in com^u D. **reoman**, R. P. nuper de P. in com^u D. p^{re}dⁱ **reoman**, xxix. die Augusti anno &c. forestam dict^e domine Regine de M. in com^u D. p^{re}dⁱ **reger** & intrauer^e, et vnam damam vocat^a a **Bucke** ad valencⁱ x. s. ad tunc et ibidⁱ inuenit, sine licentia & voluntate dictⁱ domⁱ Regin^e, cum cane leporario vocat^a a **Greyhound**, fugauit & chasauer, & dictam damam apud R. infra p^{re}cinctⁱ foreste p^d cum fimbis Anglice vocat^a **Walters**, suspendit et occidit, et ipsam damam sic suspensⁱ. & occisⁱ. iniuste ceper^e & asport^e, contra pacem dicte domine Regine &c. *vi supra.*

An Indictment against a Laborer upon the Statute of An. 13. R. 2 for keeping of a Greyhound to conorse Hares and Conies, and for killing of a Conie with his Greyhound in a Conie garth, not having hands to the value of xl. s. by yere.

Se^ct. 129.

Iuratores pro domina Regina presentant, q^{uod} A. B. de C. in ecclⁱa E. l^{ib} **bouret**, (homo laicus existens) a festo S. Bartholⁱ Apostoli, Anno regni domine nostre Elizabeth. Dei gratia Anglie, Francie, & Hyberⁱ Regine, fidei defensoris &c. Tricesimo quarto, continue vsque in hunc p^{re}sentem diem, scz. decimum diem Decembris tunc proxim^u sequen^t apud C. p^{re}dⁱ, in com^u E. predicto habuit et custodiuit vnum canem (Anglice vocat^a a **Greyhound**) ad venandum et chaceandum lepores & cuculos: Et q^{uod} idem A. B. vicesimo septimo die mensis Augusti, Anno sup^{ra} p^{re}dⁱcto vnum caniculum valoris 4. s. in quodam clauso I S. de C. p^{re}dⁱcto in dicto comitatu E. generosi (vocat^a **the Conie garth**, infra parrochiam de C. p^{re}dⁱctam in dicto comitat^u existent cum dicto cane venatus est et occidit, vbi idem A. B. nunquam habuit terras aut tenementa ad clarum annum valorem quadraginta solidorum: In dicte domine Regine contemptum, ac contra formam cuiusdam statuti in parlamento domini Richardi, olim Regis Anglie secundi, tento Anno regⁱniuetio decimo, in hoc casu prouisi ac editi.

An indictment upon the statute of Anno 38. Ed. 3. against divers Jurors in an Assise for taking of rewards to give their verdict, and also against an imbracour in the same Assise.

Iuratores pſentant pro domina Regina, quod A. B. G. D. E. F. G. H. Sect. 130

&c. complices I. K. naming all the Jurors &c. Iuraſſe in quada aſſiſa noue diſſeiſinæ quæ nuper ſummonita fuit coram dilectis & fidelibus dictæ dñe reginæ I. B. I. C. & N. C. nuper Juſticiarijs dictæ domine reginæ nunc, ad Aſſiſam illam capiendam, per breue ipſius domine Regine miter W. S. & I. H. de tenementis in N. in prædicto comitatu E. & poſtmodum (viz. die Lunæ &c. anno &c. coram præſatis I. B. I. C. & apud M. in comitatu E. præd' per breue ipſius domine reginæ Si nõ dñes capſiſſet pro veredicto ſuo in hac parte dicendo, de præſ. I. H. diuerſas pecuniarum ſummas, viz. A. B. de præſ. I. H. xl. s. & alia dona, ſcilicet panem, carnes, & vinum ad valenciã xx. ſolidi illegitimè ceperunt. Et præſ. I. K. (Imbraciator eiufdem Aſſiſæ ad eandem ducendam & procurandam) de prenominato W. S. ſummati & matcorum, viceſimo die Aug. anno regni dictæ dñe nſe Eli. Dei gratia Angliæ, Franciæ, & Hyberniæ Regine, fidei defenſoris &c. triceſimo quinto apud M. prædictam, in comitatu E. præd', illegitimè ceperunt. In dicta domine Regine nunc contemptum, ac contra formam cuiusdam ſtatuti in parlamento dñi Edwardi ſexti regis Angliæ tertij, anno regni ſui triceſimo octauo tenſo, in huiusmodi caſu promiſſi ac ædificati.

An indictment upon the statute of 38. Ed. 3. against Jurors for taking rewards for to give their verdict in an Assise, reciting of the ſaide Statute.

Iuratores dicunt, quod ubi in parlamento domini E. nuper regis Angliæ tertij pgenitoris domine Regine nunc, anno regni ſui 38. tenſ, inter cetera concordat exiſtit, quod ſi aliqui Iur in Aſſiſa, Iur, ſeu aliquibus inquisitionibus capiend', inter dominum Regem & partem, vel inter partem & partem, quicquid capiant, per ipſos, vel per alios, de parte conſequent', vel defendent', pro veredicto ſuo dicendo, & ſuper hoc, per proceſſum in quodam articulo de Iur, anno regni eiufdem domini regis 34. factum conuincant, ſiue ſit ad ſectam partis, aut alterius cuiuſcunque perſonæ, qui pro domino rege, aut pro ſeipſo proſequi voluerit, ſoluat quilibet dictorum Iur Decies tantum quantum ipſe recepit, & habeat ille qui ſectam produxit, vnam medietatem, & dominus rex alteram medietat', & quod omnes imbraciatores, ducent' & procurant tales inquisitiones in paeria, pro lucro vel proficuo, puniſſent eodem modo & forma, ſicut Iur. Et ſi Iur vel Imbraciator ita conuictus, non habeat vnde in forma prædicta ſatisfacere poſſit, habeat impri-

Indictments and

imprisonament vnus anni, prout in ordinatione & concordia predicta continetur. Quidam T.H. & I.B. & I.C. Iurat in quadā assisa noue dis-
seisine, q̄ nuper sum̄ fuit coram dilectis & fidelibus domine regine I.
A.I.C. & D.E. nuper Iustic' domine regine nunc, ad assisam illam capi-
end' assigni per breue ipsius domine regine nunc, inter W.S. de L. &
I.P. de tēp̄ in R. & S. Et postmodum, viz. die, anno &c. coram prefat'
I.A.I.B. & I.C. apud W. per breue dicte domine regine si non omnes
capti, posint pro veredicto suo in hac parte dicendo, de pfat' I.H. diuer-
sas pecuniarum summas, viz. p̄d' T.H. xl. d. p̄d' I.B. xl. s. & p̄d' I.C.
quinque marcas xxx. die Octobris, anno &c. apud &c. ceperunt, in di-
ctis domine regine hunc contemptum, ac contraformam ordinationis
& concordie p̄d' &c.

*For inclosing of an old common lying to a Towne, upon the which common the
inhabitants of the said Towne haue used to haue common for all manner of
beasts the whole year.*

Sect. 132.

Intratores p̄sentans, quod est, & a tempore quo nō extat memoria fuit,
& c. cōsueuerunt apud villam de A. in cōm M. quēdam antiqua com-
munia voc' M. eidem villē adiacens, ac per spaciū vnus miliarij ab
eadem villa extendens, pro omnibus hominibus & tenent' infra villam
p̄d' moram trahentibus, cum bp̄bus, asinis, porcis, bidentibus, & alijs a-
uerijs suis, per totam annuam infra comuniam predictam depascend',
quodque omnes illi infra villam p̄d' moram trahentes, a tem-
pore quo memoria hominum nō existit, infra villam predictam cōm-
niam pro auerijs suis p̄d' ibidem habere debuerunt & consueuerunt,
quousque R. C. cum alijs ignotis de couina sui ei associatis vi & armis,
scilicet, gladijs, baculis, falcastris, arcubus & sagittis, die &c. anno &c. a-
pud E. in parochia de A. p̄d' de comunia p̄d' inuasi sit
propria, & absque titulo, clameo, seu possessione per ipsos habitis, & c.
ac ibidem, cum sepibus & fossatis sibi inclusit & obstitauit, & illas sic
inclusas & obstitat, vt sepe rale solum suū a p̄d' die &c. vsque &c.
tenuit & occupauit, in preiudiciū & damnum neceūpētum & impe-
dimētum omnium hominum & reuerentium p̄d' inuasiū, infra cōm-
niam p̄d' comuniam habentium, ac non contra consuetudinem p̄-
dictam, & contra pacem dicte domine regine &c.

*For ingrossing of Barley growing upon the ground to the
intend to sell it againe.*

Sect. 133.

Inquirat pro domina reg' si A. B. de M. in cōm N. die & an̄ &c. apud
M. in parochia sancti Iohannis infra Ward Berstret, in cōm cūrat'
N. cuiuslet totum hordeum crescē super viginti ac' tert' apud M. in p̄-
dicto cōm N. ad intencionem dictum hordeum reuend' contra formam

statu

statuti in huiusmodi casu & editi & puiſi, ac contra pacem dictæ dominæ reginæ &c.

For buying and ingrossing of forty quarters of wheate, to the intent to sell it againe.

Inquiratur &c. si I. C. de N. Dier, tertio die I. anno &c. apud N. in locū N. ac diuerſis alijs diebus, tam ante, quam poſt, diuerſa grana, viz. 40. quætertia tritici &c. ad valenc' &c. emit & ingroſſ. & in manibus ſuis tenuit, ea intentione ad reuend' grani p'd, contra formā ſtatuti in hūdi casu editi & puiſi. in contempt' &c. ac cont' pacem dictæ dñæ reg' &c.

Secl. 134

For not keeping a light horse, and not having a light horse.

Vratores pro dñā regina præſentant, quod vbi A. B. de C. in comit' E. genet, à primo die Iunij, anno regni dictæ dominæ nre Eliz. Dei gratia Angl', Franc' & Hybern' reginæ, fidei defenſoris &c. tricesimū quartū, vsq; in hunc p'sentem diem, ſcz. primum diē Martij, anno 34. ſuprad' totas & tenementa in C. p'd, in dicto comitatu E. eidem A. B. & hæredibus ſuis in feodo ſimplici, ad clarū annuum valorem centum marcarū & amplius vltra omnes reſiſas habuerit, ac tenuerit: Idem tamen A. B. per totum tempus p'd, viz. à dicto primo die Iunij, anno ſuprad' vsque nunc, nullū habuit, cuſtodiuir, manutenuit, aut ſuſtenuit equum caſtratū (Anglice dictum a Gelding) habilem & idoneū pro leuis armaturæ equit' (Anglice, able, and meet for a light horseman) in dictæ dñæ reg' contemptum, ac in magnū huius regni ſui Angliæ enervationem, nec non contra formam cuiuſdam ſtatuti, in parlamento Ph & M. nuper reg' & regin' Angl', tenro apud Weſt. annis regnor' ſuor' quarto & quinto, in huiusmodi casu prouiſi ac editi.

Secl. 135.

For Battery and Mayheme by cutting off the right thumb.

Vratores præſentant pro domina regina, quod 3. die Sept', anno regni dñæ nre Eli. Dei gratia Angl', Franc' & Hybern' regin', fidei defenſoris &c. Tricesimo quinto, A. B. de C. in comitatu Staff. Laſſo, vi & armis quoddam clauſum cuiuſdam I. S. apud C. p'd, in comitatu p'd frege & intrauit, & in dict' I. S. tunc ibid' in pace Dei & dict' dominæ regin' exiſtente, inſultum & affraiam fecit, ac cum gladio diſtriſto, ad valentiam decem ſolid', quem dictus A. B. tunc ibid' in leua manu ſua tenuit, eundem I. S. crudeliter verberauit, ac dextrum pollicem dicti I. S. tunc ibidem vno iſtu amputauit, ac ſic eundem I. S. nequiter & felonice tunc ibidem maihemauit, ad graue incommodum ipſius I. S. ac cont' pacem dictæ dominæ reginæ noſtræ, coronam & dignitatem ſuam.

Secl. 136.

Indictments and

For maintenance upon the statute of Anno 31. H. 8. against one maintaining in an action of debt.

Sec. 137.

I Vratores presentant, quod cum in statuto in Parlamento domini H. nuper regis Anglⁱ 8. apud West. 28. die Aprilⁱ, anno regni sui 31. inchoat, tenet, et ibidem per diſas prorogaciones, viſque 3. diem Maij, anno regni sui 32. prorogat et continuat, et tunc ibidem tenet per dictum dominum regem, cum assensu dominorū ſpiritualium et temporalium ac communicatis in eodem parlamento congregat, necnon auctoritate eiusdem parliamenti, inter alia ad tunc et ibidem inacta existit, Quod nulla perſona ſive perſone cuiuſcunque ſtatus, gradus, ſive conditionis, ipſe vel ipſi, fuerit, ſive fuerint, extunc de cetero illicite manuteneret ſive manutenerent, aut cauſaret ſive cauſarent, procuraret ſive procurarent, aliquam illicite manutentionem, in aliqua actione, demanda, ſecta, ſive querela in aliqua Curia domini regis, Cancellarie, cameræ, Stellatæ, albz Aule, aut alibi infra aliqua dominia regni Anglię vel Wallię, ſive in marchijs earundem, vbi aliqua pſona ſive aliqua pſonę habent, ſeu extunc poſterum haberent auctoritatē virtute commiſſionis domini regis ſuarum literarum patentis, vel brevis ad tenendū placita ſua vel ad examinandū, audiendum, ſive determinandū aliquem titulum de fra, ſive aliquā materiā, vel reſtes concernent titulum, ius, vel intereſſe aliquarū terrarum, tenementorū, ſive hereditamentorū: Ac etiam quod nulla perſona ſive pſone cuiuſcunque ſtatus, gradus, vel cōditionis, ipſe vel ipſi, fuerit ſive fuerint, extunc in futuro illicite retineret ſive retinerent, pro manutentione aliquius ſectæ ſive placiti aliquam perſonam, aut aliquas perſonas, ſive imbraſiaret vel imbraſiarent aliquos liberos tenentes vel iuratores, aut ſubornaret aliquos reſtes p literas, munera, promiſſa, ſive aliqū alium ſimilium labor vel mediū, ad manutendū aliquam materiam ſive cauſam, aut ad diſturbationem vel impedimentum Juſticię, vel ad procuracionem ſive occaſionem alicuius periurij p falſum verediſtum, aut aliter in aliquibus curijs antedictis, ſub poena forſficiendi pro qualibet huiusmodi offenſa x. l. quarum vna medietas eſſet domino regi, altera vero illi qui pro eadem proſequi voluerit p actionē debiti, billam, querelā, ſive informationem, in aliqua Curia dicti dñi regis, vbi nullum eſſon, proteſt, vadiac legis, ſive inunſtio allocabitur, prout in ſtatut pñt inter alia plenius cōtineatur. Quidam tamen T. L. ſtatut pñt minime ponderans, quandam actionem quæ fuit in curia dñæ reginę, coram Juſticiarijs ſuis de banco, inſt quendam R. B. querentē & quendam T. D. de placito debiti, pro pte dicti R. B. verſus pñt T. D. 27. die Iunij, añ regni dñæ nrę Eli. nunc reginę Anglⁱ 35. apud S. in pñt coram E. manutenuit & ſuſtentavit, in Juſticię manifeſtam retardationē, & diſturbantiam, ac in dictę domini regⁱ nunc contemptum & pñt T. D. graue damnum, ac contra formam ſtatuti pñt, &c.

For

*For Manslaughter by chance-medley, in thrusting of one into the bellie
with a long sharpe piked staffe.*

Iuratores pro domina Regina presentant, qd A.B. de C. in dicto comitatu E. de boornaker, decimo sexto die Septembris, An. regni dicte dñe nostre Elizabethę, de grãtia, Anglie, Francie, & Hybernę Regine fidei defensoris &c. Tricesimo, apud C. præd. in com. pñ E. quendã E.F. nuper de C. præd. in comitatu E. præd. *Wleaner* (cui tunc ibidem fornicio & casu obuiam venit) contumeliosis verbis laceffuit, ac in eũd E.F. tunc et ibidem in pace dei ac dicti dñe Regine existentem, vi & armis insultrum fecit, & ventrem dicti E.F. tunc & ibidem cum baculo longo, cuspidẽ præacutã capitato (Anglice vocato a long sharp piked staffe) tunc eidẽ A.B. tunc ibidem in manibus suis tenuit, felonice pugnet perfoxit, dans eidẽ E.F. vulnus mortale in dicto ventre suo, latitudinis vnius pollicis, & profunditatis septem pollicũ, de quo quidẽ mortali vulnere eidẽ E.F. tunc ibidem instantẽ obiit ac interijt, contra pacẽ dei dñe Reginę nunc, & contra coronã & dignitat suas.

Sect. 138.

For Manslaughter.

Inquiratur pro domina Regina, si R. S. nuper de P. in com. E. præd. *Wleaner*, 19. die Decemb. An. &c. vi. et armis viz. &c. in quẽd T. C. cum quodam candelabro ad valenc. 12. & qd idẽ Rich. in manu sua dextera ad tunc & ibidem tenuit, eundẽ T. su p caput suum felonice pugnet, dans eidẽ T. ad tunc et ibidẽ vnã plagã mortalem, posteaq; idẽ Rich. corpus eiusdẽ P. ad tunc & ibidẽ ad terrã pstrat manib; genibusq; suis tam diu & violentẽ quaffauit, ita qd pñ T. de plaga et quaffatione pñ instantẽ interijt, & sic pñ R. pñ T. modo & forma pñ ad tunc & ibidẽ felonice interfecit, contra pacẽ dicti domine Reginę, coronã &c. v. alibi.

Sect. 139.

*For saying and hearing of Masse contrarie to the Statute
of 23. Elizab.*

Iuratores presentant p dñã Reg. quod I. R. nuper de C. in com. pñ dicti E. Clericus 8. die Aprilis, Anno reg. dicte dñe nostre Elizabethę. De grãtia Anglię, Francię, & Hybernę Reg. fidei defensoris &c. Tricesimo quarto, apud C. præd. in com. præd. E. volũtariẽ dixit, & cetera, vñam instantẽ contra formã eiusdẽ Statuti in Parlamento dicti dñe Reginę teniti apud Westmonasterium in comitatu Middelsexię, Anno regni sui vicesimo tertio in hoc casu prouisi & editi, & contra pacẽ dicte domine Reg. coronã, et dignitat suas. Et quod Maria B. de C. præd.

Sect. 140.

P. ij.

in

Indictments and

in comit' p'dicto E. vidua, dicto 8. die Aprilis Anno supradicto apud C. pred', in comitatu pred' E. interfuit presens tempore dict' celebrationis missę predictę, ac eandem missam (sic vt prefertur dictam) aduocet ibidem voluntarie audiuit, contra formam statuti predicti, ac contra pacem coronę & dignitatē dict' domine Regine nostre.

An Indictment upon the Statute of Anno 1. of the Queens against a Priest for saying of Masse in the vestrie of a church, and for using in the celebration of the Lords supper other rites and ceremonies then is appointed in the book of common prayer in An. 5. & 6. E. 6. & against 2. others for hearing of the same Masse.

Sec. 141.

Inquiratur pro domina Regina, si G. C. nuper de E. in comit' E. clericus 26. die Martij &c. apud E. pred' in comitatu E. pred' in quodam loco ibid' vocat *the vestrie house*, iuxta ecclesiā parochialē de E. p'd in comit' E. pred' voluntarius vsus fuit priuato alio ritu, ceremonia, forma, & modo celebrationis coene dominice voc' *the Lords supper*, quam in quodam libro intinuat liber communis precationis & administrationis sacramentorum & aliorum rituum & ceremoniarum Ecclesie Anglicane, auctorizatus per actum Parliamenti tenet in annis quinto & sexto Reg. Domini Edwardi nuper Regis Anglie sexti, declaratus et mentionatus existit, videlicet dict' & celebrand' vnam priuatam Missam, contra formam statuti in Parlamento dictę domine Reg. nunc apud Westm' anno regni sui primo tenet edit' & prouis', & contra pacē eiusdem dñe Reg. coronę &c. vbi. Et si T. B. nuper de B. in comitatu p'd *reoman*, & I. M. nuper de W. in comitatu *labozet*, die & anno supradictis, apud W. predictam in comitatu predicto tempore celebrationis pred' coene Dominice modo & forma predict' fuerunt presentes, & voluntarie audientes Missam predict' in forma pred' dictam & celebratam contra formam statuti p'd, ac contra pacem &c.

For counterfeiting and uttering of money, one being accessorie to the same after the offence committed.

Sec. 142

Irratores pro domina Regina presentant, quod T. S. de W. in comitatu E. *Taylor*, machinans dictam dominam Reginam, & populum suum callide & proditorie decipere, 20. die mensis Decembris, Anno Regni dictę domine nostre Elizabethę, dei gratia, Anglie, Francie & Hyberniz Reg. fidei defensoris &c. Vicelesimo nouo, vnam peciam monete apud W. predictam, in comitatu predicto E. de Stanno & alijs mixtis metallis, ad instar & ad similitudinem, bonę & legalis monete & cunei dictę Domine nostre huius regni sui Anglie (vo-

cat

(vocat Angl' a shilling, or pence of twelve pence) falso & proditorie fabricauit, eudit, & contrefecit: posteaq; viz. dicto die 20. anno supradicto, eandem peciam (sic vt premittitur, falso & proditorie fabricatam & contrefactam) diuersis ligeis dictæ dominæ reginæ, pro vera & legitima moneta huius regni sui Angliæ apud W. predictam, in comitatu E. predicto, falso & proditorie exposuit & vterauit. In magnam subditorum dictæ dñe nostræ deceptionē, ac contra pacem dictæ dñe nostræ, coronam, & dignitatem suam, necnon contra formam diuersorum statutorum in eiusmodi casu prouisorum & editorum. Et quod M. vxor T. A. de W. præd in dicto comitatu E. gener' sciens prenommatum T. S. proditiōem predictæ modo & forma præd fecisse, & commississe, eundem tamen T. S. postea, viz. secundo die Febr', anno supradicto apud W. predictam, in comitatu E. præd, recepit, & cōfortauit, ac proditiōem præd concealuit, contra pacem dictæ dominæ reginæ nunc, coronam & dignitatem suam.

Against counterfeiting and uttering of money and gold.

Inquiratur pro domina regina, si R. W. nuper de H. in comitatu E. Sect. 143. Comitis, I. L. nuper de C. in præd com E. Glouet, & T. B. nuper de D. in præd com E. yreman, Deum præ oculis suis non habentes, sed instigatione diabolic' seduct' machinantesq; dictam dominam reginam, & populum suū callidē, falso, deceptiue, & proditorie decipere, & defraudare, duodecimo die Martij, anno regni dñe Elizæ &c. sexto sex pecias monetæ apud B. præd in comitatu præd E. de cupro & alijs mixtis metallis, ad instar & similitudinem bonæ legalis & currentis monetæ & cunei dictæ dominæ reginæ huius regni sui Angliæ, Anglicè vocat' shillings, necnō duas pecias de cupro ære & alijs mixtis metallis, ad instar & similitudinem bonæ legalis & currentis monetæ & cunei auri dictæ dominæ reginæ regni sui Angliæ, Anglicè vocat' halfs Sovereignes, falso & proditorie fabricauer' eudit & contrefecer', ac quasdam earundem peciar' sic vt præmittit, falso & proditorie fabricat' culas & controf. &c. diuersis ligeis dictæ dñe reginæ pro vera, legit', & currenti monetæ huius regni Angliæ apud B. præd in dicto com E. et alibi in dictæ comitatu E. postea deceptiue, falso et proditorie exposuer', soluer', et vterauer', in magnum præiudiciū, fraudem, et deceptionem ligeorū dictæ dominæ reginæ, ac contra pacem eundem dominæ reginæ coronam et dignitatem suam, necnon contra formam diuersorum statutorum in huiusmodi casu editorū et prouisorum.

For coining of money.

Inquiratur pro domina regina, si H. H. nuper de B. in comitatu F. Sect. 144. Taylor, Deum præ oculis suis non habens, sed instigatione diabolica seduct'

Indictments and

seduct', vt proditor dictę domin' Regiñ, quinto die Maij, anno &c. sex. decim pecias monete vocat *hillings*, de falso & mixt metallo ad instar cunei huius regni Angl', vulgariter vocat *Quene Elizabeth hillings*, apud B. pred', in com E. p'd, falso, felonice, & proditorie contrefecit, fabricauit & cunauit, contra pacem, ac contra formam &c. vt supra.

For coining and uttering of gold.

Sect. 145

Inquiratur pro domina regina, si H.A. nuper de B. in com E. *Labozer*, & T. S. nuper de T. in comitatu p'd *Labozer*, die & anno &c. & diuersis alijs diebus & vicibus tam antea quam postea, Deum prae oculis suis non habentes, sed instigac' diabolic' seduct', machinanteq; dictam dominā reginā & populum suum callide, falso, deceptiue & proditorie decipere & defraudare de iniuria sua propria absque auctoritat' warrant' siue concessione Regiæ maiestatis eis aut eorum alteri concessi. octo pecias falsę monete, ad imaginem & similitudinem peciarum monete aut Anglice vocat *golden sovereigns of r. s. a piece*, apud M. in com E. p'd, pro iniquo lucro & aduantageo e cupro, falso & proditorie deaurauit, & easdem pecias falso & proditorie sic vt p'mittitur, fact', fabricat', contrefact', & cunat', diuersis ligeis dictę dñę reginę pro vera legitima & current' moneta dictę dñę reginę regni sui Angl' apud M. p'd, in com E. p'd xx. die Octob', anno suprad', ac diuersis alijs diebus antea & postea, deceptiue, falso, & proditorie exposuit, & vterauit in solutionē diuersis ligeis dictę dñę regin', necnon contra formam diuersorū statutorū huiusmodi casu editorū & protisorum, ac contra &c.

Of murder by two with a weapon, and one accessory before the offence committed.

Sect. 146.

Inquiratur pro domin' regina, si H. W. nuper de S. in com E. *Tailor*, & W. C. de S. in com E. pred' *Weteauer*, primo die Martij, anno regni domin' Eliz. Dei gratia Anglię, Francię, & Hybernię regin', fidei defensoris &c. 4. apud C. in pochia de S. p'd, in com E. p'd, vi & armis &c. in quendam T. B. in pace Dei & dictę dñę regin', adtunc & ibidē exiit, insultū fecer', & p'd H. W. cum quodā falcastro Anglice vocat *a wakke boke*, valor xij. d. quē idem H. in vtraq; manu sua adtunc & ibid' tenebat, p'd T. B. super dextrū brachium ppe manum dextrā adtunc & ibid' felonice percussit, dans eidem T. adtunc & ibidem cū falcastro p'dicto, vnā plagam mortal', profunditat' duos pollicium, & longitud' quinq; pollicium, de qua quidem plāga mortali, pred' T. adtunc & ibidem instant' obiit. Et sic p'd H. W. & W. C. apud S. prædictam, in comitatu E. predicti, modo & forma prædict', præfat' T. B. felonice, ac ex malicia

sua precogitata interfecer, & murtherauet, contra pacem dicte domine regine nunc, coronam & dignitatem suas. Et si I. H. de S. pred' in com' E. Accessorie, pred' **Husbandman**, ante felon' & murther pred' per pref. H. & W. sic in forma pred' commissi. & perpetrati, viz. pred' primo die Martij, An. &c. apud S. pred' in com' E. pred' predictos H. W. & W. C. ad felon' & murtherum pred', sic in forma pred' faciend' & perpetrand' maliciose & felon' incitauit, abbettauit, & procur, contra pacem dict' &c. vt alibi.

Of Murder by two with weapon.

Iuratores pro domina Regina presentant, quod A. B. nuper de C. in dicto comitatu E. **Blacksmith**, & D. E. de C. predicti in com' E. p'd **Butcher**, septimo die Septembris, An. regni dicte domine nostre Elizabethę dei gratia Anglie, Francie, & Hybernie Regine, fidei defensoris &c. tricesimo, vi & armis, ex malitia sua premeditata, in quendam F. G. nuper de B. in dicto comit' E. **pebman**, apud B. predictam in comitatu E. predicti in quodam loco ibidem (vulgariter nuncupato *the bowling place*) adtunc et ibidem in pace dei, et dicte domine Regine existentem, insuleum fecerunt, & prefatus A. B. cum quodam gladio districto, ad valentiam s. solidos, quem ipse in manu sua dextra adtunc & ibidem tenuit, ipsum F. G. super sinciput suum voluntarie et felonice tunc ibidem percussit, et eo ipso ictu dedit eidẽ F. G. quendam plagam mortalem, in longitudine trium pollicium, & in profunditate quinque pollicium et dimid, de qua quidem mortali plaga pred' F. G. tunc et ibidem instanter & immediate obiit. Et vltorius, quod pred' D. E. cum quodam baculo ad valentiam vnus oboli (quem ipse in manibus suis adtunc ibidem tenuit) ipsum F. G. adtunc & ibidem voluntarie & felonice percussit super caput suum, dans eidem F. G. vnā aliam plagam mortalem in dicto suo capite, in longitudine trium pollicium, & in profunditate duorum polliciu, vnde idem F. G. de plaga victimo pred' obiisset, si non obiisset de ictu illo priore p'd, quẽ p'd A. B. ei primo dederat. Et sic Iuratores predicti dicunt, q' prenominati A. B. & D. E. dict' 7. die Septemb. anno suprad', apud B. pred' in p'd loco (vocatō *the bowling place*) p'd F. G. modo & forma p'd, ex malitia sua precogitata, voluntarie, et felonice interfecerunt & murtherauerunt, contra pacem dicte dicte Reg. ac contra coron', & dignitatem suam.

Secl. 147.

For a Murder with a Cudgell, and flying afterwards.

Inquiratur pro domina Regina, si I. S. nuper de T. infra parochiam de C. in comitatu E. predict', **Labozer**, 13. die Iulij, &c. non habens Deum pre oculis, sed instigatione diabolic' mot' & seductus,

Secl. 148.

Indictments and

ex malicia sua ꝑcogitat, vi & armis &c. in quendam Ric' N. apud C. in comitatu E. pred' adtunc & ibidem existē, in pace Dei & dict' domini Regine, insult & affraiam fecit, ac vno bacillo vocato a Cudgill nullius valoris, quem idem I. S. adtunc & ibidem in manu sua dextra tenuit, eundem R. N. in dextram partem capitis Rich' adtunc et ibidem felonice percussit, dans eidem R. adtunc & ibidem cum bacillo pred', plagā mortalem longitudinis trium pollicum, & ꝑfunditatis vnius pollicis, cōfundo caput dicti Rich', de qua quidem plaga mortali, predict' R. apud K. in ꝑd comitat' E. ꝑd linguebata pred' 14. Iunij, anno supradicto, vsque 27. die cuiusd' mensis Iunij, tunc proximi sequē. Quo quidē 27. die Iunij anno supradicto, ꝑd Richardus N. apud K. pred', in ꝑd comitatu E. ex plaga pred' mortali obiit. Et sic ꝑd Iohan. S. eundem R. N. apud C. ꝑd in comitatu E. ꝑd, ex malicia sua ꝑcogitata modo & forma pred', felonice interfecit et murtherauit, contra pacem dictę dñe Regine coronam & dignitatem suas. Et sic pred' Iohannes S. postquam ipse feloniam & murtherum pred' sic in forma pred' fecisset & perpetrasset, fugam fecit, contra pacem dict' domine regine &c. vt alibi.

Flying.

Of Murder and procurement in the highway.

Sec. 149.

INquiratur pro domin' Regi, si P. P. nuper de L. in ꝑd com' E. laboraret, 22. die Octob. ann &c. inter horas sextam & septimam post meridiem eiusd' diei, deum ꝑ oculis suis non habens, sed instigatione diabolica motus & seductus, ex malicia sua ꝑcogitata, vi & armis &c. in quendam R. P. in via Regi apud P. infra parochiam de S. in com' E. pred' adtunc & ibidem in pace Dei, & dictę domine Regine existent insultum fecit, & cum vno baculo valoris ij. d. quem idem P. P. adtunc & ibidem in manibus suis tenuit, eundem Rich. super dextram partem capitis sui, adtunc & ibid' felonice percussit, dans eid' Rich. adtunc & ibid' cum baculo ꝑd vnam plagam mortalem in longitudine duorum pollicum, & in profundit' dimid' pollicis, de qua quidē plaga mortali, pred' R. P. apud E. infra parochiam de S. predicta in com' ꝑd E. a ꝑd 22. die Octobris, Anno 15. supradicto, vsque septimum diem Februarij, tunc proxime sequē linguebat, quo quidem 7. die Febr. anno xv. supradicto, idem R. P. apud E. pred' in comitatu E. predict', de predict' plaga mortali obiit. Et sic Iuratores predict' dicunt super sacramentum suum predictum, quod predict' P. P. ipsum R. P. infra parochiam de S. predictum in comitatu E. predicto dicto 7. die Februarij anno supradicto, & malicia sua ꝑcogitata, modo & forma predict' felonice interfecit & murtherauit, contra pacem dictę &c. vt alibi. Et si Katherine P. uxor pred' R. nuper de L. predict', in comitatu E. pred',

Accessarie by
procurement.

Spinster

Spinster, ante feloniam & murdrū p̄d per ipsum P. P. sic in forma p̄d
factum & perpetratum, viz. xxj. die Octobr, ann. 15. suprad' eundem
P. P. apud L. p̄d in com̄ E. p̄d ad feloniam & murdrum p̄d, in forma
p̄d sic faciend' & perpetrand' felonice excitauit, abbettauit, et procura-
uit, cont' pacem dict' domin' regin' &c. vt alib.

Of Murder and diuers wounds, and accessarie by procurement.

Inquiratur pro domina Regiñ, si T. B. nuper de S. in comitatu E. p̄d Sect. 150.
dict' *peoma*, & H. O nuper de S. in com̄ p̄d *peoman*, 3. die Iunij &c.
vi et armis ex malitia sua precogitata, in quendam W. B. apud T. in co-
mitatu E. p̄d dicto, in quodam loco ibidem voc' H. adtunc & ibidem in
pace dei et dict' domin' Regine existentem, insultum fecer, & p̄d
T. B. cum quodam baculo ad valenc' duorum denariorum quem ipse in
ambabus manibus suis adtunc et ibidem tenuit, ipsum W. B. super po-
steriorem partem capitis sui felonice percussit, et dedit ei vnam plagam
mortalem latitudine quatuor pollicium, de qua quidem plaga morta-
li p̄d W. B. inmediate obiit. Et quod predictus H. O. cum quodā
pugione ad valenc' sex denariorum, quem ipse in manibus suis adtunc
et ibidem tenuit, ipsum W. B. adtunc et ibidem felonice percus-
sit, dans eidem W. in gutture suo vnam aliam plagam mortal' lati-
tudine vnus pollicis, et profunditate quinque pollicium, vnde idem
W. B. de plaga p̄d inmediate obiisset, si nō obiisset de ietu p̄d quē
p̄d T. ei dedisset prius. Et predictus T. B. die & anno supradic-
tis adtunc & ibidem cum quodam baculo ad valenc' duorum dena-
riorum quem ipse in manibus suis adtunc & ibidem tenuit, ipsum W.
B. super posteriorem partem capitis sui felonice percussit, et dedit ei v-
nam aliam plagam mortalem latitud' quatuor pollicium, de qua quidē
plaga mortali p̄d W. B. adtunc et ibidem inmediate obiisset, si non
obiisset de ictu p̄dicto, quem p̄dict' T. B. ei prius dedisset. Et
quod p̄d H. O. die & anno supradictis, cum quodam pugione ad
valenc' sex denariorum, quem ipse in manibus suis adtunc & ibidem to-
nuit ipsum W. B. adtunc & ibidem felonice percussit, dans ei in guttu-
re suo vnam aliam plagam mortalem latitudinē vnus pollicis, et pfun-
ditatis trium pollicium, vnde idem W. de plaga p̄dicta inmediate o-
biisset, si non obiisset de ictu p̄dicto, quem p̄dictus T. B. ei prius
dedisset. Et si p̄d T. B. & H. O. dicto tertio die Iunij, anno supradic-
to, apud T. p̄d, in com̄ E. p̄dict' in p̄d loco voc' H. p̄d W. B.
felonice interfecer & murdruerunt, & si Elizab. B. nuper de S. p̄d,
in com̄ E. p̄dict' *Spinster*, vxor p̄d T. B. & I. O. nuper de S. p̄d,
in p̄d com̄ E. *Spinster*, vxor p̄dict' H. O. p̄d iij. die Iunij, anno
supradict', in p̄dict' comitatu E. vi & armis &c. in p̄dict' loco a-
pud T. p̄d, vocato H. ex malitia sua precogitata present' fuerunt,
abbet-

Indictments and

abbettantes, auxiliantes et confortantes pred' T.B.& H.O. ad vulnerand' p'd' W.B. & ad feloniam & murdrum pred' in forma pred' facientem, felonice excitauerunt, et procurauerunt, contra pacem dicte dñe Reg. coronam & dignitatem suas.

An Inquisition of murder found before a Coroner upon the view of the body slain; against one for killing of his Mistris with a hatchet on the head, shee being then great with child.

Sect. 151

Inquisitio capta apud H. in com' E. &c. coram me Iohan. S. vno coram domini R. in comitatu pred', die Martis &c. Anno &c. super visum corporis C. nuper vxoris P. B. de H. pred', apud H. pred' felonice interfect', aduinc et ibidem mortui facient', per sacramentum proborum & legalium hominum de villa de H. & trium aliarum villarum propinquarum, viz. S. N. & C. prout moris est &c. ad inquirend' quater et quo modo pred' C. ad mortem suam deuenit, viz. per sacramentum A. B. C. D. &c. qui dicunt super sacramentum suum &c. quod vbi predict' C. die, anno, loco, & comit' predictis, circa horam secundam post meridiem dicti diei Martis fuit in pace Dei, & domini Regis nunc apud H. pred', vbi venit quidem W. B. nuper de C. in comitat' Wigorn' gen', felonice vt felo domini regis nunc insidians et ex insultu premeditato, contra pacem eiusdem domini Regis, coronam et dignitatem suas, die, anno, hora, loco, & comit' predictis, in predictam C. magistram suam, que ad tunc grauida fuit & vicina partui, insultum fecit, et eandem C. cum quadam securi vocatum, an Hatchet, precij 4. d. quam ideam W. tenuit in manibus suis super sinistram partem capitis sui felonice percussit, dans ei plagam mortalem, de qua quidem plaga mortali, eadem C. instanter obiit, & sic p'd' W. prefatum C. Magistram suam ad tunc & ibidem felonice interfecit, et murtherauit, contra pacem &c.

An Indictment against a Widow for procuring one to murder her child in her presence after she was deliuered, by cutting the throte, and against the accessories, before and after the offence committed.

Sect. 152

Iuratores pro domina Regina presentant, quod H. M. nuper de K. in predict' com' E. vidua, grauida existens cum quadam infante viua 24. die Maij, Anno regni dicte domine nostre Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniz Reginz, fidei defensoris &c. Secundo apud K. pred' in comitatu E. predicto, &c. Dei providentia parturitæ, & peperit vnam prolem femellam viuam, posteaque quendam Iana S. nuper de W. in dicto comitat' E. vidua, apud K. p'd', in comitatu E. pred' vi & armis, ex malicia sua precogitata (dicto xxliij. die Maij, anno supradicto, circa horam vndeceimam ante Meridiem eiusdem die) per consilium, mandatum, et procuracionem predict' H. M.

ac in præsentia ipsius H. M. in prædictam prolem femellam viuam infultum fecit, & cum quodam cultello (ad valenciam vnus denarij) quem eadem Iana tunc in manu sua dextra tenuit, guttur ipsius prolis femellæ adtunc & ibidem felonice scidit, dans eidem proli femellæ quãdam plagam mortalem in gutture suo præd', de qua quidem plaga mortali proles femella præd', apud K. præd' in comitatu E. prædicto, adtunc & ibidem instantèr obiit. Et quod præd' H. M. adtunc & ibidem felonice fuit præfens, confortaus, & auxilians ad prædictam prolem femellam in forma prædicta interficiendam. Et sic præfat' H. M. & Iana, prædictam prolem femellam ex malitia sua præcogitata, felonice, & voluntarie, interfecerunt, & murderauerunt, contra pacem dictæ dñæ reginæ, coronam, & dignitatem suas. Et insuper Iuratores prædicti presentant pro dicta domina regina, quod Georgius P. nuper de K. prædicta in dicto comitatu E. præd', 19. die Maij, anno regni dictæ dominæ reginæ secundo, ac diuersis alijs diebus & vicibus, ante feloniam & murdrum præd' in forma prædicta perpetrat apud K. prædictam in comitatu E. prædicto malitiose & felonice consuluit, mandauit, procurauit & abbettauit, prædict' H. M. ad predictum murdrum voluntarium faciendum, ac ad interficiendum & murderandum dictam prolem femellam, contra pacem dictæ domine reginæ: Et vterius, quod O. P. & A. B. de K. præd' in comitatu E. prædict' *Spinsters*, post murdrum & feloniam prædictam in forma predicta facta, scientes prefatos H. M. & I. S. feloniam & murdrum prædict' in forma predicta fecisse & perpetrasse, ipsam tamen H. M. apud K. præd', in comitatu E. prædict' (27. die dict' mensis Maij, anno supradict') felonice receptauerunt, & confortauerunt, contra pacem dictæ domine reginæ nunc, coronam, & dignitatem suas.

An Indictment of petty treason against a late servant for murdering of his Master, and the accessory before the offence.

¶ Vratores pro domina Regina presentant, quod A. B. de C. in comitat' *Señt. 153.*
E. *Gloucester*, nuper seruiens B. D. de C. prædicta in dicto comitatu E. *Gloucester*, decimo die Septembris, anno regni dictæ dominæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernæ, Reginæ, fidei defensoris &c. Tricesimo quarto, in domo mansionali prædict' B. D. apud C. præd' in comitatu E. præd' vi & armis, viz. cum gladio & pugione districtis ad valenc' x. solidor' (quos idem A. B. tunc ibid', in manibus suis tenuit) in prenominatum B. D. tunc magistrum suum tunc & ibidem in pace Dei & dictæ Dominæ Reginæ existentem, voluntarie & ex malitia sua præcogitata infultum fecit, & eundem B. D. tunc magistrum suum, adtunc & ibidem cum dicto gladio felonice & proditorie super caput suum fortiter & valide percussit, ita quod dicto ictu, caput ipsius B. D. tunc magi-

cussisque ad cor suum, dando ei plagam mortalem, unde idem I.S. eadem hora tunc & ibidem obiit incontinenti, & sic pred' W.L. pref. I.S. apud M. pred' in p'd comit' E. felonice interfecit & murtheravit, contra pacem d'c' domini Reg. coronam & dignitat' suas. Et q' pred' S.T. loco, die, anno, & hora pred', p'd felon fuit prefens, assistens, abbetans, pcurans, confortans & manutenens p'f. W.L. ad felon & murtherum p'd inform' pred' &c. In cuius &c.

For a Nuisance of a common bridge in the Queens high way, over a River, which is decayed and not knowne who should repaire it.

Vratores pro domina Regina presentant, quod pons publicus & cōmunis, situs in alta Regia via super flumen de M. infra parochiam de A. in comitat' E. pred' (vulgariter dictus A.) est, et per aliquot annos iam proxime elapsos fuit valde ruinosus, & in maximo decalu, ob defectum reparationis, adeo ut subditi d'c'te domine Regine, in super, trans vel ultra dictum pontem, per se, vel cum eorum equis, bigis, aut cariagijs, redire, aut transire, sine magno vitę discrimine non audent aut possunt, ad continuam nocumētum omnium vicinorum, & compariatarum in dicto comitatu E. habitantium, quorum interest ratione negotiorum suorum, illac transire: Et ulterius quod prorsus nescitur, quę personę, quęve terre, tenementa, aut corpora corporata & politica, eundem pontem aut aliquam inde parcellam, ex iure, aut ex antiqua cōsuetudine, & reparare debent, aut consueverunt.

Sec't. 156

For a Nuisance of a bridge over a river in the Queens high way which is decayed, and ought to be repaired by the Queen by reason of a Manor.

Vi present' &c. q' quidam pons situat super aquam de Trent in parochia de Newarke in comit' S. voc' p. Bridge, existens in Regia via, est ruinosus & in magno decalu, ita q' ligei domini Reg. in, p, sup, vel ultra eundem pontem, absque magno periculo transire seu laborare non valent, ad commune nocumētum omnium ligeorum d'c'te dñę Reg. trans & ultra pontem pred' transeunt seu transire volentium. Et q' domini regni nunc, ratione tenure seu manerij de N. super T. cuius pertinet in comit' S. pred', pontem illum facere, reficere, & emendare debet, & q' eadem domina Regina & omnes pgenitores sui, ac omnes alij quorum status eadem domina Regina modo habet in eodem manerio de N. super T. cum pertinet pontem illum facere, reparare, & emendare consueverunt, de tempore cuius contra memoria hominum non existit, toties quoties necesse fuit. In cuius &c.

Sec't. 157

An Indictment against one for pulling downe of a stone bridge in a towne over which the Inhabitants of the same Towne have used to traualle a time out of minde.

Iura-

Indictments and

IVra^l &c. quod cum a tempore quo memoria hominum in contrarium non existit, fuit quidam pons lapideus in W. in com^u E. p^o voc^o A. p^o et trans quem quidam pontem omnes inhabitant villę de W. p^o in com^u p^o per tempus p^o habere consueverunt ingressum et egressum ad quandam locum vocatum H. pro negotijs eorund^u faciend^u, tamen L. F. de &c. tali die &c. & anno &c. vi & ar^uis &c. p^o pontem effodit, p^o stravit, et spoliavit, & omnes lapides eiusdem pontis abinde asp^oavit et abecariavit, per q^u inhabitantes ibidem ingressum et egressum ad p^o locum, p^o p^o negotijs suis faciend^u habere non possunt, et alia enormia per eum tunc & ibidem facta sunt ad grave et commune nocum^u p^o vicinorum ibidem & contra pacem &c.

Sect. 159.

Inquiratur pro domina Regina, si E. S. nuper de W. in com^u W. p^o gen^o, secundo die Maij &c. partē cuiusdam vię regis in W. in com^u tanu p^o ducent a W. p^o vique ad S. in eodē comitatu, viz. a W. p^o vique ad quandam foueam in S. p^o in p^o comitatu W. vocat le tōmon pitts, in eadem via existentem, cum sepe & fossā inclusit et obstruit et eandem viam Regiam sic inclusa p^o secundo die Maij, vique diem captionis huius inquisitionis, in pasturam converterebat, & adhuc custodit, in malum et perniciosum exemplum aliorum, & ad grave damnum & commune nocumentum omnium ligearum subditorum dicte domine Regine ibidem prope inhabitantium, quorum interest illac transire, ac contra formam diuersorum statutorum in huiusmodi casue dit et prouis. ac contra pacem dicte domine Regine &c.

Sect. 160

IV^o presentant pro domina Regina, Quod F. E. de G. in comitatu p^o Tallo, xxiij. die Iulij, Anno &c. apud M. in comitatu E. p^o coram A. B. C. D. & E. F. Aduigeris, Commissionarijs (virtute Breuis dicte domine Regina de Commissione p^o A. B. C. D. & E. F. directi, et extra curiam Wardorum & liberationem dicte domine Regine apud Westmonasteriū in comitatu Midd^l, preantea emanatis pro examinatione quorumcunque testium, tam ex parte cuiusdam I. L. de M. p^o dicta, in comitatu E. p^o querentis, quam ex parte H. M. de N. in dicto comitatu E. p^o defendentis, in quadam causa (siue materia) inter ipsos I. L. et H. M. tunc in dist^o Wardorum & liberationum controuersa, et ibid^u dependente in variantia pro titulo vnus melluagij cum pertinentijs in M. p^o in

dicto comitatu E. personaliter constitutus, Ac tunc & ibidem existens testis productus per predictum I. L. ad testificandum & deponendum in causa predicta, ex parte ipsius I. L. & iuratus per Commissionarios predictos, ad veritatem dicendam super articulis interrogatorijs ei per dictos Commissionarios ad tunc & ibidem ministrandis, septimo Articulo Interrogatorio ei ad tunc & ibidem per dictos Commissionarios ex parte predicti I. L. ministrato dixit, & super sacramentum suum predictum affirmavit, & deposuit, prout in hijs Anglicis verbis immediate sequitur, viz. *To the seventh interrogatorie he saith by vertue of the said oath, that the said messuage was never occupied by the said H.M. the defendant, prout per dictam depositionem prædictæ E. F. inter alia per præfatos Commissionarios in dictam curiam Wardorum & liberationum certificata & missa, ac ibidem de recordo adhuc remanentem, plenè apparet: vbi reuera & in facto, dictum messuagium diu occupatum fuit per prænominatum H.M. defendentem. Et sic, idem E. F. dicto vice, quarto die Iunii, anno supradicti apud M. prædicti in dicto coram E. coram prænominatis A. B. C. D. & E. F. (Commissionarijs dictæ dñe reg' sic ut præfatur existentibus) voluntariè, & corruptè, periurium commisit voluntarium & corruptè, contra formam divers. statutorum in huiusmodi casu prævisorum & æditorum.*

For Perjury in a deposition, before Commissioners by Commission out of the Chancery upon the statute of Anno 5. of Queen Elizabeth.

¶ Vrat &c. presentant, quod W. R. 24. die &c. apud A. in coram E. coram I. K. & T. S. armig' & F. T. gener' existent Commissi. virtute brevis dñe regine de Commissi. sibi ac alijs direct' ac extra cur. Cancellar' dicte domini regis nunc præstante emanantis, ad examinationem diversorum testium, ex parte cuiusdam W. C. quer. versus quendam T. N. defendentem in quadam materia inter ipsos W. & T. tunc in cur' Cancellar' prædictæ apud Westmonaster' in comitatu Midd' tunc existentem dependentem in variis & contrariis. pro titulo diversorum tenement' cum pertinentiis vocat &c. in dicto comitatu Ebo' personaliter constitutus ac existens testis productus per præfatum W. C. ad deponendum in causa predicta, ex parte ipsius W. oneratus, & iuratus ad veritatem dicendam de Interrogatorijs sibi per Commissi. prædictæ ad tunc ministrandis 18. Interrogatorio sibi per prænominat' Commissi. ad tunc & ibidem ex parte predicti W. C. ministrato super sacramentum suum dixit & deposuit modo & forma, prout in Anglicis verbis sequitur, viz. *to the xvij. he saith &c. recitando verbatim depositionem illam, prout per deposic' prædictæ W. R. inter alia per prænominat' Commissi. in cur' Cancellar' prædictæ certificata, & ibidem de recordo remanentem plene liquet, vbi reuera prædicti H. S. non causavit &c. neque &c. negando effectum depositionis &c. prout prædicti W. R.*

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falso

falso & corrupte deposuit & iuravit. Per quod idem W. R. prædicti die &c. anno 19. supradicti apud A. prædicti in dicto comitatu E. coram prefato I. K. T. D. & F. T. Commiff. virtute brevis dominæ reg' eis directi tunc existentibus, volutarie & corrupte commisit perjurium voluntarium & corruptum, in contemptum dictæ dominæ reg' & contra formam statuti in parlamento dictæ dominæ regine tento anno regni sui quinto in huiusmodi casu provisum & editi, ac ad grave damnum prædicti T. N. &c.

For taking of Pheasants and Partridges with nets and other engins in an other mans freehold without licence, contrary to the statute of Anno 1. H. 7.

Secl. 162.

Iuratores pro dominæ regina presentant, quod W. G. de S. in dicto comitatu E. Labozer, circiter horam decimam ante meridiem vicesimi diei Augusti, anno regni dictæ dñæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernæ reginæ, fidei defensoris &c. Tricesimo quarto, in quodam loco infra parochiam de S. prædicti in comitatu E. prædicti (vocal vulgariter: the wheate field) qui quidam locus nunc fuit, & adhuc est liberæ tenementum A. B. de S. prædicti in dicto comitatu E. gener (nec unquam fuit in, aut de warrenna ipsius W. G. propria) duos phasianos, & decem perdices, cum quibusdam reticulis, & alijs ingenijs (valoris duorum solidorum) tunc ibidem cepit, occidit, & asportavit, sine aliquibus assensu, agreeamento, aut speciali licentia dicti A. B. in hac parte habitis aut obsecutis: In dictæ dominæ reginæ nunc contemptum, ac contra formam eiusdem statuti in parlamento domini Henr nuper regis Angliæ 7. tento anno regni sui undecimo, in huiusmodi casu provisum & editi.

For murder by wilfull poisoning with herbes in pottage upon the statute of Anno 1. Ed. 6.

Secl. 163.

Iuratores pro domina regina presentant, quod T. H. de C. in comitatu E. prædicti **Peoman**, secundo die Decr. anno regni dictæ dñæ nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernæ reginæ, fidei defensoris &c. 36. apud C. prædicti in comitatu E. prædicti, in domo mansionali ibidem cuiusdam W. B. nuper de C. prædicti in dicto comitatu E. **Peoman**, ex malicia sua prepenſa & precogitata, voluntarie & felonice porrexerat, ac dedit in caillo quodam eidem W. B. ad edendum, quedam olera (Anglice vocata **Pottage**) ex cicuta venenossima, & alijs herbis virulentis confecta & composita, quæ quidem olera prædictus W. B. tunc ibidem cum coleari (quod in manu sua dextra tenuit) comedit, unde prædictus W. B. statim postea ægrotabat, ac a prædicto secundo die, Anno supradicti in dicta domo sua apud C. prædicti languebat, usque sextum diem dicti mensis

In die Decembris, anno supradicto, quo quidem sexto die, anno supra-
dicto, p̄d W.B. ex dict' esu olerum p̄dictor', in dicta domo sua apud C.
p̄d in dicto com' E. interijt. Et sic Iuratores p̄d presentant, quod p̄d
T.H. p̄nominatum W.B. apud C. p̄dictam in com' E. p̄d, modo &
forma suprad', ex malitia sua p̄cogitata, voluntarie & felonice, veneno
p̄d interfecit ac mūdrait, contra pacem dictę domini regin' nunc, ac
contra formam statuti in parlamento dñi Edwardi nuper regis Anglię
sexti (cento, apud West. in com' Midd', anno regni sui primo) in huius-
modi casu prouisi ac ęditi.

For murder by wilfull poisoning of one in Potion.

Iuratores pro dña Regina presentant, quod H.R. nuper de C. in com' Sect. 164.
E. p̄man, x. die Octob. anno &c. Deum p̄ oculis suis non habens,
sed instigatione diabolica seduct', ex malitia sua p̄cogitat', quendā R.F.
in pace Dei & dict' dñę regin' existen' apud C. p̄d, in com' E. p̄d ad bi-
bend' p̄textu amoris & amicitie inuitauit, & eidem R.F. ad tunc & ibid'
potionem quandam veneno intermixtam & intoxicat' felonice dedit,
quam quidem potionem p̄d R.F. ex instigatione & prouocatione dict'
H. ad tunc & ibidem accepit, & eandem potionē super illud immediatē
bibebat & exhaustit, ratione cuius dict' R.F. immediatē post potionem
p̄d sic exhaustum, morbo corrept' fuit, ac a p̄d 10. die Octob', Anno su-
pra', vsque quartū diem Feb. &c. apud C. p̄d in p̄d com' E. languebat,
quo quidem quarto die Feb., anno 8. suprad', p̄d R.F. ex portione & in-
toxicatione p̄d, apud C. p̄d in com' E. p̄d obiit. Et sic p̄d R.H. p̄fat'
R.F. apud C. p̄d in com' E. p̄d, modo & forma supradictis, cum portione
p̄d veneno intermixta & intoxicat' felonice interfecit, & mūdrait,
contra pacem dictę domine Regine nunc, & contra formam statuti inde
in huiusmodi casu ęditi & prouisi.

*For murder by wilfull poisoning upon the statute of Anno 1. Ed. 6.
wherein the statute is recited.*

Iuratores presentant, quod cum in statuto in Parlamento dñi E. nup reg' Sect. 165.
Anglię sexti apud West. in com' Midd', anno regni sui primo, cento,
ędit' inter al' inactitat' existat autoritate eiusdē, quod omnis volūtat'
interfectio per venenum Anglice Poisoning, alicuius persone siue per-
sonarum, quę ad aliquod tēpus extunc imposterum facta, p̄petrata, siue
cōmissa foret, adiudicaretur, haberetur & existimaretur voluntar' mur-
drem de malitia p̄pensa, quodq; offensores in ea parte, eos coadiutores,
abbettatores, procuratores, & cōsiliatores sustinerēt mortem & forisfacti in
quolibet respect', vt in alijs casib' volūt' mūdri de malic' p̄pensa, p̄t in
Q. j. eodem

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eodem statuto pleneliquet, Quidam tamen A.B. nuper de C. in comit' E. laborer, statuf p̄d & p̄cēn in eodem contenē parui pendens, neque timor Dei prae oculis suis habēs, vicesimo die Ianuar, anno &c. apud R. p̄cēd, in p̄d comitatu E. ex malicia sua p̄cogitata, quendam E.L. volūtarie & felonice, per venenum interfecit & murtheravit, cont' pac' dictę dñę regin coronam & dignitatem suas, ac cont' formam statuti p̄d &c.

For Pety treason against the wife for poisoning her husband, by putting Arsenicke and Rosegree in his drinke.

Sect. 166.

I Vratores &c. quod A.B. de &c. vid, nup vxor I.B. de F. p̄cēd &c. contra debitum matrimonij vinculum ac zelum & amorem quem eadem A.B. erga p̄d I.B. nuper virum suum gerere deberet, diabolico instinctu ducta, ex malicia sua p̄cogitata, machinans & intendens eundem I.B. nuper virum suum vita sua priuare, ac ipsum felonice & proditorie murtherare xj. die I. &c. apud &c. felonice & p̄ditorie posuit in potu ipsius I.B. adtunc viri sui, quoddam venenum mortiferum vocat Arsenick & Rosegre, ac potum illum sic venenatum felonice & proditorie adtunc & ibidem p̄cēd I.B. dedit & ministravit bibendū, qui quidem I.B. nihil fraudis aut doli versus p̄d A. inde suspiciens, potum illum sic venenatum & intoxicatum adtunc & ibid per instigationē & prouocationē dicti A. bibi: per quod idem I.B. ab eodem xj. die I. &c. vsque 22. diem I. tunc proxim' sequens languebat. Quo quidem 22. die anno &c. idem I.B. de veneno illo apud F. &c. obiit. Et sic dicunt Iur p̄d quod A. p̄cēd die & anno dicti I.B. adtunc virum suum apud &c. felonice & proditorie intoxicauit & murther, contra pacem dictę dominę reginę &c.

For the breaking of prison, being imprisoned upon suspicion of the death of a man in the Queens gaole, under the custody of the Constable of a hundred.

Sect. 167.

I Nquiratur pro dominā regina, si W.H. de C. in com' E. p̄roman, vnus Cōstabularior dicti dñę rāę hūndredi sui de T. in com' E. p̄d (in quo quid hūndred sita est villa de C. p̄d) quend R.B. nup de C. p̄d in com' E. p̄d Tailor, 20. die Sept', anno regni dictę dñę nrę Eli. Dei gratia Anglię, Francię, & Hybernię reg', hīdei defensor &c. Tricesimo quinto, apud C. p̄cēd in dicti com' E. p̄nspic' cuiusd felon (viz. p̄ morte cuiusd M. N. apud H. in com' E. p̄d felon interfecit) cepit & arrestauit: Et ea de causa idē R.B. sub custod dicti W.H. Constabularij, in prison dictę dñę reg' apud C. p̄d in com' E. p̄d, postea scilicet dicto vicesimo die Septemb', anno supradicto fortiter, & duriter detent' fuerit, Ac idē R.B. tunc ibid sic detentus, postea (viz. dictis die & anno) apud C. p̄cēd in com' E. p̄d, vi & armis p̄d prison ibid felon fregit, ac ext' custod dicti Cōstabular tunc & ibid, cont' ei' volunt felon euasit, cont' pac' dictę dñę

dn̄e Reginz nostr̄e nunc, coronam, & dignitatem suas, necnon contra formam statuti in huiusmodi casu prouisi ac ēditi.

For pulling of sberpe.

Inquiratur pro domina Regina, si N.H. nuper de O. in comit̄ E. labo- Se^{ct}. 168
ut, 13. die Maij An̄i &c. clausum cuiusd̄ H.C. apud C. pred̄ in com̄
E. p̄d̄ fregit & intrauit, ac lanā quatuor ouīū valor̄ iiii. s. de bonis & ca-
ll' dict̄ H.C. apud O. p̄d̄ in com̄ E. p̄d̄ a corporib' ouīū p̄d̄ adtūc & i-
bid' existē expilabat, & ipsam lanam sic euulsam, felonice cepit & as-
portauit, contra pacem dict̄ dominz Reg. &c.

For the felonious taking of a purse, and money and gold in it, from the person of a man.

Inquiratur pro Domina Regiā, si N.H. nuper de S. in comit̄ M. Se^{ct}. 169.
ut, 16. die April', an̄. &c. vi & armis, viz. &c. in quendam Ed. R. apud
Cān comit̄ M. p̄d̄ insultum fecit, & vnam bursam valor̄ ij. d. & ix. s. in
pecunijs numeratis, & vnam coronā Gallicam voc' a French crowne va-
lor̄ vi. solidi in bursa p̄d̄, adtūc & ibidem existē, de bonis et pecū p̄d̄
Eda persona ipsius E. clam & sine noticia ipsius E. adtūc et ibidem fe-
lōn cepit & asportauit, contr̄ pacem dict̄ dn̄e regin' &c. ac contra for-
mam statuti &c.

For Purse-picking.

Viratores pro dn̄a Regin' presentant, quod I.S. nuper de A. in comita- Se^{ct}. 170.
tu E. Tayloz, 6. die Iulij, An̄i Reg. dict̄ dn̄e n̄r̄ Elizab. Dei gratia
Angl̄e, Francīe, & Hyber̄n Regin', fidei defensoris, &c. Tricesimo
quarto, apud A. p̄d̄ in comitatu E. pred̄, in quodam loco ibidem (voca-
to the Elmes) vi & armis in quendam R.M. de A. pred̄ in comitatu E.
pred̄ Gocer, insultum fecit, et viginti solidos in pecunijs numeratis in
crumena ipsius R.M. tunc ibidem existentes inuentos, de pred̄ crume-
na ipsius R.M. tunc & ibidem a persoā ipsius R. M. (clam & insciente
ipso R.M.) felonice cepit & asportauit, contra pacem dict̄ doñi Regiā,
ac contra coronam, & dignitat̄ suas.

For unlawful Purruyance of three Weathers without authority.

Viratores pro domina Regina presentant, quod primō die Iulij, An̄i Se^{ct}. 171.
regni dominz nostr̄e Elizabeth̄, Dei gratia Angl̄ie, Francīe, &
Hybern̄ie Reginz, fidei defensoris &c. Tricesimo quinto, quidam H.
W. nuper de G. in comitatu C. Tippler, apud C. in comitatu C. pred̄
Q. ij. pr̄e:

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preferens, & asserens se esse vnum ex prouisoribus & emptoribus hospitij dict' Domine Regine dict' primo die, Anno supradicto (quo quidem tempore nullum ostendit, aut secum habuit warrantum sub magno aut paruo Sigillo dict' domine Regine) apud C. predict' in comitat' C. pred', tres oues castratas (Anglice vocatas ~~weathers~~) precij viginti solidorum, de bonis & catallis I.S. de C. pred' in dicto com' C. ~~pred'~~ man, tunc ibidem existent' inuentas, sub colore purueiancie pro dicto hospicio, illegitime ac felonice cepit & abduxit: Contra pacem dict' domine Reg. ac cōtra form' diu'sor' statuto' in hñdi casu, puiſ. & ædiſ.

*For the Rape of a maide vpon the Statute of Anno 13. E. 1.
the which is recited.*

Sec. 172.

IVratores presentant, quod cum in Statut' in Parlamento dñi E. nuper Reg. Angl' primi, Anno regn' sui 13. tenſ. ædiſ. inter alia prouisum sit, q' si homo rapuerit vxor', ancillam, siue aliquam foemina vbi non cōſentierit nec antea neque postea, habeat indicium de vita & membro, p'ut in eodem statuto plenius continetur. Quidam I. B. nup' de A. &c. ~~pred'~~ man statutum p'd' &c. tali die et An. Ioh. O. filiā H. O. ancillam apud W. in com' E. p'd', cōſ' volunt' suam felon' rapuit, cōſ' pacem dict' dñe reg. &c. ac contra formam stat' pred' &c.

For the Rape of a Childe vnder the age of tenne yeares, vpon the statute of Anno 18. of the Queene.

Sec. 173.

IVratores pro dña Reg. presentant, q' G. D. de B. in com' E. p'd' ~~water~~ ~~man~~, 3. die Iulij, An. regni dicte dñe nostre Elizabethæ, dei gracia, Anglie, Francie, et Hybern' Regine, fidei defensoris &c. Tricesimo, apud B. pred' in dicto com' E. (in domo mansionali ibid' eiusd' A. S. ~~de~~ ~~steler~~) vi et armis in quandā M. N. de B. pred' in comitatu E. puellā, infra ætatem decem annoſ' tunc existentē, insultū fecit, ac tunc & ibidem, eandem M. N. felonice ac carnaliter cognouit, ac eadem M. N. nequiter abusus est, contra pac' dict' dñe Regin' nunc, ac contra formā statuti in p'liamto dict' dñe Regin' nunc (tento apud W. in comit' Middlesex, Anñ dict' reg. sui decimo octauo) in hñdi casu prouis. ac ædiſ.

For the Rape of a maide, of the age of 16. yeares, vpon the Statute of Anno 13. Ed. 1.

Sec. 174.

IVratores presentant, p' domin' Regin', q' B. C. de E. in com' E. ~~de~~ ~~uerner~~, 5. die Octobris, An. reg. dict' dñe nre Eliz. dei gracia Anglie, Franc', & Hibern' reg. fidei defensor &c. Trices. quarto, apud C. p'd' in dict' com' E. in quodā ibid' loco (voc' ~~le botwe~~) vi et arm' in quandā A. K.

A.K. de E. præd in comitatu E. prædicto, virginem ætatis sexdecem annor, tunc & ibidem in pace Dei & dictæ dominæ reginæ existent, infultum fecit, ac tunc & ibid eandem A. contra voluntatem ipsius A. felonice rapuit, & carnaliter cognouit, contra pacem dictæ dominæ reginæ nunc, ac contra formam cuiusdam statuti in parlamento domini Edwardi olim regis Angliæ primi, tento apud West. in comitatu Midd, Anno regni sui tertio decimo, in huiusmodi casu prouisi & æditi.

For taking away a maide of the age of eleuen yeares, vpon the statute of Anno 3. E. 1. in which the statute is recited.

Iuratores præsentant, quod cum in statuto in parlamento dñi E. nup Regis Angl' primi, anno regni sui tertio tent, ædit, inter cæter ordinat exiit, quod nullus rapiat neque capiat ancillam infra ætatem existent, passensum suum, vel sine assensu suo, neque dictam ancillam, nec aliam teeninam contra voluntatem suam, & si aliquis hoc fecerit, ad sectam illius qui hoc sequitur infra quadraginta dies, dominus Rex sibi faciet communem iusticiam, & si nullus incipiat sectam in hac parte infra xl. dies, domin' rex sequetur, & illi qui inuent fuerint culpabiles, habeant prisonam duorum annorum, & postmodum redimantur ad voluntatem domini regis prout in eodem statuto plenius continetur. Quidam I.B. nuper de A. & c. statutum præd minime ponderans & c. I.O. filiam H. O. ancillam, & infra ætatem existentem, viz. ætatis xj. annorum quadraginta diebus elapsis apud W. tertio die S. anno & c. violenter cepit & rapuit, contra formam statuti præd, ac contra pacem & c. Sect. 175

For a Rescous of a woman arrested (amongst diuers others) by the Sherifes officers vpon a warrant from a Iustice of the peace in their generall Sessions to put in surety to appeare before them at the next Sessions, and in the meane time to be of good behauiour, and for the hurting of one of the said officers with an arrow.

Iuratores pro dña regina p'sentant, quod cum H.C. R.H. & I.B. arm' ad loci sui Iust' dictæ dñæ reg' ad pacem in com E. cōseruand, necnō ad diuersa felon trās & alia malefact' in eodē comit' ppetrat, audiēd & terminand assign, in generali sessione pacis tent apud T. in comit E. p'd die Martis, pxim' post festum S. Trinitatis, anno & c. mandauit vic' eiusd' comitat E necnō & eorū cuilibet, q non omitterēt, p'pt aliquā libertatē comit E. p'd, quin eam ingrederent seu vnus eorum ingreder, & attacharent seu vnus eorum attacharet corpora O.W. nuper de W. in comit T. Labozer, & A.I. de W. præd in comit E. præd & c. & eos corā Iusticiari præd, vel vno socior suor Iustic' pacis in comitatu E. prædict' veniū compellerent, seu eorum vnus venire compelleret, ad Sect. 176.

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inueniendum sufficientē manucaptionē, quod ipsi personaliter cōpare-
rent coram dictis Iustic' & socijs suis præd', ad proximā sessionē pacis in
com' E. præd' tenend'. Et quod interim se bene gererent erga dictā dñam
reginam & cunctum populum suum, secundum formam statuti in hæc di-
calu ædificat' & prouis'. Cumq; præf. G. L. & I. R. virtute mandat' præd' ar-
restassent p'd Agn' I. & eam coram Iustic' præd' vel eorū vno ducer' vo-
luissent, prout mandatum p'dict' Iustic' prædict' in se exigebat, quidam
tamen B. A. de W. predict' in com' E. præd' gener', & R. W. de W. pre-
dict' in comitatu E. præd' yeoman, leges dictæ dñæ regin' minime ve-
rent, ex malicia sua præcogitāt in contemptum dictæ dñæ regin', legum
suarum, ac mandat' Iustic' predict', x. die Maij, anno &c. apud W. præ-
dict' in comitatu E. p'dict' rīotosē & illicitē assensiblati & congregati, in
præfatis G. L. & I. R. in pace Dei & dictæ domine regin' adtunc & ibidē
existē inult & affraiam fecer', ac præfatis R. W. diuers. sagittas Anglie
voc' *arrows*, versus præfatis G. L. & I. R. adtunc & ibidem sagittabat,
ea intentione, vt præf. Georg' L. & I. R. vulneraret, ac predict' Agne-
tem in custodiē eorund' G. & I. rescussit, ac præfatis R. W. cum vna sagittā
valor' vnus denarij, quam adtunc & ibidem ipse eiacularat & mittebat
versus præf. I. R. ē quodam arcu, Angl' voc' a *long bow*, valor' iij. s. quē
in manu sua leua adtunc & ibidē tenuit, percussit, ac crus dextrum eiusdē
I. R. adtunc & ibidē perforabat & transforabat, dans eidem I. R. adtunc
ibidē in crure suo præd', vnam plagam in profunditate trium pollicum, ac
idem R. W. cum vna al' sagitta valor' vnus denarij quam adtunc & ibidē
iaculabat & mittebat versus p'd G. L. ē p'dicto arcu quem in manu sua
sinistra idē R. W. adtunc & ibidem tenuit, præf. G. L. percussit, dans ei-
dem G. adtunc & ibidē in infima parte sinistri cruris eiusdem G. vnam
plagam in longitudine dimidij pollicis, ac in profunditate vsque ad ossa
præd' cruris eiusdem G. Ac preterea præf. B. A. & R. W. Agnetem I. ad-
tunc & ibidem a custodiē dictorum G. L. & I. R. vi & armis rescussit, at-
que eandem Agnetem I. adtunc & ibidem ad largum ire & euadere fe-
cer', contra pacem &c.

*Of high treason for rebellious insurrections and the
aiders and comforters.*

Sec. 177.] Inquiratur pro dño rege, si Richard M. nuper de S. in com' K. ac alij
falsi proditores & inimici metuendissimi ac Christianissimi principis
E. regis Angliæ quarti post conquestum Angl', ignof, die & anno &c.
apud Sanct' Elms in insula Vecte in com' South. se infimul congrega-
uer' tunc & ibidē vi & armis, viz. gladijs &c. Insurrexerunt quoque ad
comfortand' & supportand' I. nup comit' W. falsum p'ditor et inimicū
dñi reg' nunc, apud W. de diuisis alt' p'dition' erga ipm reg' infra regnū
sūū Angl' fact', conuict' & attinct', idēq; R. W. & alij p'ditor & inimici
præ-

predi^{ct}, predi^{ct} I. nuper Comitem W. & complices suos, vt falsi proditor, contra legiantie suæ debitum, falso & proditorie, ad tunc et ibid^{em} ad premissa faciend^{um} conueniunt ac confortauerunt, & tunc & ibidem eidem I. nuper Comiti W. & complicitibus suis fuerunt adherentes, sciētes ipsū I. nuper comitem W. de p^{ro}ditionibus suis p^{re}dict^{is} attinctum & conuictum, contra ligeantiam suam &c.

*Another of High Treason for rebellious insurrections, and the
aiders and comforters.*

Inquiratur pro domino Rege, si W. L. nuper de P. in com^{itatu} M. Mar. Sect. 178.
I. chaar, G. B. nuper de &c. ac quamplur alij falsi proditores, rebelles, & inimici ignoti Christianissimi Principis E. regis Angliz iij. post conquestum, ex assensu voluntar^{um} & proposito diuersorum aliorum falsorum proditorum & inimicorum Domini Regis, videlicet I. nuper comitis W. & I. nuper comitis K. qui nuper autoritate Parlamenti dicti regis apud Westmonasterium &c. tenet, de diuersis prodicionibus erga dictum Reg. infra regn^{um} Angl^{ie} factis conuict^{us} et attinct^{us} existunt iij. die Martij, & die Mercurij, & diebus Sabbati & dñic^{is} proxim^{is} post festum Pentecostes, & diuisis diebus antea & postea, ann^o regni dicti dñi regis tertio, apud P. in com^{itatu} M. p^{re}dict^{is} insimul se congregauerunt, & inter se cōmunicauerunt, quo modo ipsi p^{re}dictum I. nuper comitem W. & complice^s suos cum eis ad tunc & ibidem super mare in nauibus suis (vt falsi proditores) existentes, per nimiam potestatem p^{re}dicti I. nup comitis W. ac p^{re}dicti comitis K. & aliorum falso^{rum} proditor^{um} & inimicorum dicti dñi regis, de eorum couina, & falso p^{ro}posito existē, vsque regnum Angl^{ie} potuerunt producere: & dictum regem & dominos suos, tam spirituales quam temporales per totum posse suum, de regia potestate sua, & gubernatione regni p^{re}dicti, per nimiam potestatem penitus depriuar^{um}, & gubernationem regni p^{re}dicti super se accipere & retinere proponēt, credebantque ad tunc & ibidem p^{re}dicti W. & G. & alij falsi p^{ro}ditores & rebelles p^{re}dicti quod maxima pars totius regn^{um} Angliz cum eis falsis proditoribus in falsis opinionib^{us} suis stare voluisset, & ad illud falsum & nefand^{um} p^{ro}positum suū finaliter p^{er}implend^{um} p^{re}dicti W. & G. & alij falsi p^{ro}ditores & rebelles p^{re}dicti dictis die & añ apud P. p^{re}dicti in dict^{is} com^{itatu} M. vi & armis, scilicet, gladijs, gleuijs, arcubus, sagittis, loriceis, duploidibus defensuijs, & alijs armaturis &c. insurrexerunt, & p^{re}dicti S. nup comitē, in cibis potibus & alijs necessarijs erga domini regem falso & p^{ro}ditore confortauerunt, auxiliauerunt, & supportauerunt, & eisdem nuper Comitibus, vt falsi proditores contra ligeantiam suam debet ad tunc et ibidem fuer^{um} adherentes, & cum eis Comitib^{us} naues suas p^{re}dictas, (vt falsi p^{ro}ditores) ad p^{ro}ditionaria sua p^{ro}posita p^{re}dicta p^{er}implend^{um} & p^{er}ficiend^{um}, conscenderunt & in eis

Q. iij.

per-

Indictments and

permanferunt : scientes ipsos nuper Comites in forma pred' sic attrin' et conuinct' in finalem destruct' dicti dñi Reg', ac cont' ligeantiã suam &c.

For regrating of Corne in a market.

Sect. 179.

Inquiratur pro &c. si VV. T. de N. in pred' com' E. & A. B. &c. 1. die &c. et quãplur' al' diebus antea & postea, fues' regrat' mercat' de D. in pred' com' E. ac diu'sa gener' gran' ad mercat' pred' p' diuers. ligoes dic- tæ dñe Reg. il' aduen', viz. x. quart' frum' ad valenc' 6. li. apud D. pred' in p'd com' E. regrat', ad intention' q' idem frum' ite' venderent, ad graue damñ populi dict' dñe Reg. cont' form' diu'sor' statut' in hñdi casu edit' et p'uifi.

For regrating of Fish and Butter in a market, and selling of it in the same market.

Sect. 180.

IVrator' pro dña Reg. presentat, Qd' A. B. de C. in dict' comit' S. pper- ter 20. die Iulij Anno regni dictæ dñæ nræ Eliza. Dei gratia, Angl' Franciæ & Hybernæ Reg. fidei defensor' &c. Tricesimo quarto, apud C. predict' in comitat' E. p'dict', in quodam mercat' tunc ibidem ten' p' 40. solid' monet', emit, regratauit, obtinuit, et nactus est in possession' & man' suas, 10. paria pisc' (Angl' dict' 1. couple of *Lings*, et tria vasa butyri salis Anglice voc' 3. *sickins of salt butter*) de quodam E. F. qui p'd x. paria pisciũ, ac dict' tria vasa butyri ad eund' mercat', vt ea ad tunc ibidem vender', adduxisset: & quod immed' postea, scil' dict' 20. die An. supradict' idem A. B. in dicto eodem pleno mercatu tunc ibidem apud C. pred', in dicto comit' E. tento, eadem oĩa dicta paria piscium, ac butyri vasa, cuidam H. R. p' sexaginta s. legal' monet' dictæ dñæ reginæ huius regni sui Angliæ, illicite vendidit, in magnum reipub. dñum ac cõ- t' form' diu'sor' statut' huius reg. Ang. in hñdi casu prouif. & aditor.

For a Rescous of one in the Stocks for suspicion of felonie.

Sect. 181.

IVratores pro Domiñ Regiñ presentant, quod vicesimo die Iunij, Anñ regni dict' domiñ nræ Elizabethæ, dei gratia Angl', Franciæ, & Hybernæ Regiñ, fidei defensoris &c. Tricesimo quarto, quidam A. B. nuper de C. in comitatu E. *Clouer*, apud C. prædictam in comitatu E. prædict' captus est & arrestatus per E. F. de C. predicta in comitatu E. predicto *reamau*, pro suspicionem cuiusdam felonie, videlicet vnus vaccæ ipsius E. F. per præfatum A. B. felonice (vt idem E. F. tunc assererebat) capte & abductæ, & quod idem A. B. immediate postea traditus est per præfatum E. F. cuidam H. M. tunc Constabulario Hundredi de N. in comitatu E. predict', in quo sita est villa de C. præ-

C. predicta : qui quidem Constabularius in comitatu E. pred, postea, viz. dicto vicesimo die Iunii, Anno Tricesimo quarto supradicto, eundem A. B. in prisoa in cippis ibidem posuit, ad eum saluo ibidem custodiendum, donec idem Constabularius parare possit auxilium adducendum eundem A. B. coram aliquo Iusticiariorum pacis dictæ domine Reginæ in comitatu E. predicto, examinandum: Ac quod postea (sciz. dicto vicesimo die &c. Anno supradicto) quidem G. L. de C. pred in com E. p. dicto Glouer, apud C. pred in dicto com E. vi et armis cippos pred effregit: ac eundem A. B. tunc ibid existē ex eisdem custodia, prisoa, & cippis felonice cepit, eripuit et rescussit, ac ad largum ire & euadere permulit, cōtra pacem dicti domini Regi, coronæ, & dignitatem suas.

For gining of a Linerie.

IVratores pro domina Regina presentant, quod T. B. de C. in com T. Sect. 182. I armiger, secundo die Septembris, Anno regni dictæ dominæ nostræ Elizabethæ Dei gratia, Angliæ, Franciæ, & Hybernæ Reginæ fidei defensoris &c. Tricesimo quarto, apud C. predicti in com E. predicti, quādam liberatas vestitur, viz. cuiusdam A. B. de C. pred in com E. p. dicti *geoman*, tres vlnas pāni lanei, color veneti, precij xxx. s. & C. D. de B. in dicti comi *geoman*, alias tres vlnas similis panni lanei, eorundem coloris & precij, ad duas seperales tunicas pro pref. A. B. & C. D. inde faciendas, dedit ac distribuit: vbi reuera prefati A. B. & C. D. aut eorum alter, nunquam fuerant, aut fuit domestici seruientes, aut domesticus seruens, officarij, siue officarius, Balliui siue Balliuus, dicti T. B. aut de consilio ipsius T. B. in vna lege siue altera eruditi vel eruditus: In magnum dictæ dñæ reginæ contemptum, ac contra formam diuersorum Statutorum in huiusmodi casu antehac prouif. & edit.

For receiuing and vsing of a linerie.

IVratores pro domina Regi presentant, quod A. B. de C. in comi E. Sect. 183. *geoman*, vnam liberatam panni, videlicet tres vlnas panni lanei, coloris veneti (vocati Anglice *Wlatcher*) ad valentiam 20. solidorū ad tunicā inde sibi faciendam de T. B. de C. pred in comi E. pred armig, apud C. pred in dicto comi E. secundo die Augusti &c. recepit, & eadem tunica a dicto die secundo, ann supradicti, vsque tertium diem mensis Septembris, ann supradicti apud C. pred, in comi E. pred, & alibi in diuersis locis infra comitatum predictum vñs est: vbi idem A. B. dicto tempore receptionis liberatē pred, aut vnquam postea non fuit familiaris, officarius, balliuus, aut de consilio dicti T. B. in vna lege aut altera eruditus: In magnū dicti domini Reg. contemptum, ac contra formam diuersorum statutorum in huiusmodi casu antehac prouisor, & a ditorum.

For

Indictments and

For giuing receiuing and vsing of lieries vpon the Statute of Anno 7. H. 4. and Anno 8. H. 6.

Sect. 184

I Vratores dicunt, quod cum in statuto domini regis Henr 4. nuper regis Anglię, Anno regni sui 7. &c. ac in statuf in Parlamento doñ Henrici 6. bonę memorię, Anno regni sui octauo apud W. tenē & edif, inter cetera continetur, quod non liceat alicui, cuiuscunq; status, gradus, seu conditionis fuerit, dare aliquam libertatam vestur vel capie alicui persone, nisi tantummodo familiaribus, officarijs, balliuis, & seruiētib; suis, ac alijs hominibus de consilio suo nec vna lege seu altera eruditis, sed poena centum solidi de terris & tenētis, bonis & catallis hūdi liberat dant, & quadragint solidi de terris & tenētis, bonis & catallis hūiūmodi liberat recipient siue vtent, toties, quoties aliqua liberat in contrarium statuti pređ, dat seu accepta fuerit, leuand : quidam tamen R. B. de C. in cōm H. arñ statuf pređ minime ponderans, quasdam libertatas vestur, videlicet diuersas togas coloris *stross meadoles*, quibuldam I. de B. *peoman* &c. S. C. de eodem *peoman*, qui nec fuit nec vquam fuerunt seruiēti, offic', balliu, seu familiar' ipsius R. B. nec in lege vna seu altera aliquat' erud' aut instruct', die &c. Anno &c. apud &c. dedit et distribuit. Et pređ I. & S. easdem togas de pref. R. eisdem die, anno et loco, contra formam statutorum pređ receperunt, & eisdem togis continue a pređ die &c. vsque &c. apud E. F. & S. vsi fuerunt, in contemptum dñę Regiņ, legisq; sue dedecus manifestum, ac contra formam statutorum pređ &c.

For an affray made by diuers, at a general Sessions of the Peace.

Sect. 185

I Vratores pro domina Regina presentant, quod vicesimo nouo die Decembris Anno regni dictę dominę nrę Elizabethę Dei gracia Anglię, Francię, & Hybernię Regiñ, fidei defensoris &c. Tricesimo quinto apud M. in cōm G. tempore generalis Sessionis pacis in predicto comitat tunc ibidem tenē, & H. C. Milite & socijs suis iusticiar' dictę Dominę Regiņ ad pacem in dicto comitatu G. conferendam assignat, tunc ibidem existentibus, & in plena curia sedentibus, quidam A. B. C. D. E. F. G. H. & I. K. de S. in cōm G. pđ generosi, aggregatis sibi nonnullis alijs pacis dictę dominę Regiņ perturbatoribus ignotis ad numerum xxx hominum 6. & armis, viz. gladijs & pugionibus, armatis, illicite, routose, & riotose, sese assembleauerunt, ac inter se insultum & affrayam maximam tunc & ibidem fecerunt, sese inuicem verberantes, & vulnerantes, in magnum terrorem tam dictorum iusticiariorum tunc ibidem in curia sedentium, quam totius populi dictę dominę Regiņ ad dictam Sessionem pacis tunc & ibidem conuenientis, ac contra pacem, coronam, & dignitatem dictę Dominę Regiņ nrę.

Or

Or ibm.

I Vratores pro dña Regina presentant, quod I.B. de R. in comitatu E. prædicto p^{re}oman, I.G. de eisdem p^{re}oman, W.B. de P. in comitatu E. prædicto p^{re}oman, & T.K. de eisdem p^{re}oman, vndecimo die Januarij, anno regni reginæ Elizabethæ &c. tertio apud W. in comitatu E. prædicto, tempore generalis Sessionis pacis adtunc & ibidem tent, & Iusticiæ dictæ dñæ Reginæ, ad pacem in comitatu prædicto conseruand assign, ibidem existens, vi & armis viz. &c. illicite & riotose sese assemblauer, & per insligationem & procuracionem p^{re}dicti I.B. & W.B. insultum & magnam affraiam adtunc & ibidem inuic fecer, & commiser in magnū timorem, tremorem, & perturbationem, tam prædicti Iusticiæ dictæ domini reginæ adtunc & ibid existē quam totius populi & ligeor subdit dictæ dñæ reg^{is} in com^{itatu S. prædicto, adtunc & ibidem confluens, contra formam & ordinationē p^{er} Iusticiam prædictam, adtunc & ibidem de pace gerend facti in manifesti contempti dictæ domini reginæ, ac in iusticiæ ibidem exequend & administrand retardationē manifesti, ac contra pacem dictæ domini reginæ &c.}

For a Riot in a Parke upon the keeper of the Parke and his servant, and for hurting the keepers servant with an arrow.

I Nquirat pro dom^o regina, si E. P. &c. H. P. &c. & R. B. &c. aggregat Sect. 186. &c. riotos. & routos. & modo nouæ insurrectionis, in conuenticulis illic, & modo guerrino arraia, vi & armis, viz. &c. 30. die apud H. in com^{itatu E. p^{re}dicto, in clausum & parcum E. P. viduæ, ibidem sese illicite, riotose & routose assemblauer, congregarū, & vniuer, ad pacē dictæ domini reginæ disturband, & adtunc & ibidem in quend A. D. gen^{er} custod^{em} parci p^{re}dicti & in I.B. famul^{um} ipsius A. in pace Dei, & dictæ domini reg^{is} existens insult fecer & p^{re}dicti G. P. vnam sagittē quod arcu tenet quem idem G. P. in man^u suis adtunc & ibid habuit & tenuit, sagittē. Et eund I.B. cum sagittē p^{re}dicti in pectore suo percussit, dans eidem I.B. vnam plagam p^{ro}fundit dimid^{um} pollicis, & latitud^{inem} vnus pollicis, ita quod de vita sua desperabatur, & alia enor^{um} eis intuler^{unt} ad graue damnum ipsorum A. & I. contra pacem dictæ domini reginæ, & contra formam statuti in huiusmodi casu æditi & prouisi.}

For Riot in pulling downe of Hedges and ditches.

I Nquiratur pro domina Regina, si I. R. nup^{er} de B. in comitatu prædicto Sect. 187. p^{re}oman, R. A. nup^{er} de G. in com^{itatu prædicto vni^{us} bandman, & I. B. nup^{er} de D. in comitatu prædicto G^{ro}me, cum multis alijs malefactor eis aggregat, & pacis dictæ domini Reginæ perturbator ignot, modo guer^{re} mo arraia,}

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arraiat, vniſ, aſſemblat, & congregat, ad numerum quindecim perſonar per inſtigationem & procuracionem prædict I. R. in magnum terrorem ſubditorum diſtę domine Regine, quarto die Maij, anno regni domine noſtrę Elizabethę, &c. ſecundo, vi & armis, viz. gladijs, falcaſtris, bipennis, baculis, & alijs armis inuſiſuis, clauſum R. B. armig' apud F. infra parochiam de B. in comitatu prædicto vocat the *Sp.* riotosę fregerunt & intrauerunt, ac ſepes & clauſ. præd R. B. ad numerum ſexcentorum pedum, adtunc & ibidem exiſtent, lacerauerunt, irrupeſ, & proſtrauerunt, & foſſat ibidem exiſtent, adtunc & ibidem cum ligonibus & bipallijs fodeſ, planauerunt, & impleuerunt, ad graue damnum ipſius R. B. contra formam diuerſorum ſtatutorum de Riotis & routis, & alijs conuenticulis illicitis inde nuper ædiſ & prouiſ. & cõtra pacem diſtę domine regine &c.

An Indictment againſt many, for beating and impriſoning of the Sherifes bailife, comming with the Sherifes Replemy to execute it, wherein the Replemy is recited.

Seſt. 188.

INquiratur pro Domina Regina, quod cum N. W. miles, comitatus E. per war' ſuum de deliberatione ſigillo ſuo ſigillaſ, cuius datuſ eſt quinto die Aprilis, anno regni H. 8. viceſimo ſeptimo, mandauit cuidam A. B. balliuo ſuo comit' E. præd, quod deliberaret, ſeu deliberari faceret cuidam T. H. aueria ſua quę W. S. nuper de S. in comitatu præd E. geneſ, & P. B. nuper de eadem vill' & comitatu Clothier, cepiſſent et iniuſte detinebant contra vad' & pleg' vt præfat Tho. dicebat: Et quod poneret ipſos W. & P. per vadios & ſaluos pleg' ita quod eſſent ad proximum comitat' ipſius vicecomit' apud L. in comit' præd, tenend, ad reſpondendum præfat T. H. de placit' prædicto: virtute cuius warrant, præd A. die & anno ſupradictis apud S. prædict' requiſiuit præfat W. S. quod dimitteret ſibi aueria prædicta, ad deliberandum eidem præfat T. H. ſecundum vim, formam, & effectum warranti præd, ſi præd W. ac quidam H. C. nuper de S. in comit' prædicto *Wulfandoman*, cum multis alijs ignotis ad numerum octo perſonarum, dicto quinto die Aprilis, anno ſupradicto apud S. prædict' warrant' prædict' minime ponderantes, vi & armis, viz. gladijs & baculis, in præfat A. inſultum fecerunt, verberauerunt, vulnerauerunt, & maletractauerunt, ac ipſum A. adtunc & ibidem impriſonauerunt, & detinuerunt, per ſpaciũ quatuor dierum & quatuor noctium extunc prox' ſequent, & adtunc & ibidem debitam executionem warranti prædicti contradixerunt, impedierunt & diſturbauerunt, ad graue damnum ipſius C. ac contra pacem diſti domini regis, coronam &c.

For

For a Riot in cutting and carrying away of Corne.

Iurator &c. quod A.B. & E. D. &c. aggregatis eis quampluribus alijs Sect. 189.
malefactoribus, & pacis domine regine perturbatoribus ignotis, ad
num̄ quatuor personarū modoguerrino arraiat 3. die Febr. an̄i &c.
vi et armis, viz. gladijs, baculis, & alijs arm̄ tā inuasiuis quā defensiuis apud
F. in com̄ Ebor' iniuste, riotose, & routose, assembleauerunt, clausum-
que T.L. apud C. adtunc et ibidem iniuste fregerunt, & intrauer, et de-
cem ac̄ tritici, adtunc et ibidem crescent' valor &c. de bonis & catallis
T.L. pred', adtunc et ibidem inuenit iniuste, riotose, et routose messue-
runt, falcauer, et asport, contra pacem dicte dom̄ Reg. &c.

For robbing of one in the high way.

Inquirat pro domina Regina, si A.B. de C. in comitatu E. Sect. 190.
sexto die mensis Octobris, Anno regni dicte dom̄ nostre Elizabethę
Dei gratia Angl', Fracie, & Hybern' Reg. fidei defensor &c. Tricesimo
quinto, vi et armis viz. cum gladio & pugione (ad valentiam x.s.) di-
stinctis, inter horas septimam & octauam ante meridiem eiusdem diei, in
alta via Regia iuxta quendam locum (vocat' **Gads Hill**) infra paroch'
de F. in com̄ E. pred', in, et super quendam I.S. de B. in comitat' E. pred',
Petite-chapman, tunc et ibidem in pace Dei, ac dict' domine Regine
existentem insultum fecit, & ipsum I.S. tunc et ibidem cum dict' gladio
percussit et vulnerauit, ex xxx.s. legal' monet' Angl' numerate in crume-
na ipsius I.S. existentes, de bonis & catallis pred' I.S. adtunc & ibidem
inuentos, à persona ipsius I.S. tunc et ibidem violenter et felonice cepit
et asport, in magnum pred' I.S. terrorem, ac contra pacem dicte dom̄i
Regin', coronam, & dignitat' suas.

*An Indictment against one for assaulting & beating of two in the high
way to the intent to haue killed, or robbed them.*

Inquiratur pro domina Regina, si H.B. nuper de B. infra parochiam Sect. 191.
de W. in comit' E. **Sadler**, xvij. die Nou. an. &c. circa horam sextam
post meridiem eiusdem diei apud O. in comit' E. p̄d', in communi via
regia, in quodam loco ibid', voc' C. in quodam T.L. & W.W. adtunc
et ibidem in pace Dei, et dict' dom̄i Regin' existentē, insultum fecit, cum
quodam gladio precij vj.s. quem ipse in manu sua dextra adtunc et ibi-
dem habuit, et ipsos T.L. & W.W. grauif verberauit, vulner, & male tra-
ctauit, ita q̄ de vitis suis desperabatur, ea intentione ad interficiend',
vel saltem ad spoliand' pred' T.L. & W.W. de bonis & pecunijs suis,
& alia enormia eis adtunc et ibidem intulit, ad graue damnū p̄d' T.L.
& W.W. ac contra pacem dicte domine Reg. &c. *ut supra.*

An

Indictments and

An Indictment against a Cooke, for an assaulting one by the high way, & taking from him his cloake.

Sect. 192

Inquiratur pro domina Regina, si I. G. nuper de A. in comitatu E. Cooke, 13. die Aprilis, Anno &c. vi et armis &c. circa horam quartā post meridiem eiusdem diei, apud S. in comitatu E. præd. in via Regia ibidem in quendam I. W. adtunc & ibidem in pace dei, & dict. dñæ Reg. existentem insultum fecit, & ipsum Iohā W. adtunc & ibidem in magno timore corporali imposuit, & vnam clamidē vocatā a cloake, coloris bletwe, valor trium solidorū, & quatuor denar. in pecunijs numeratis, de bonis & cattallis dicti I. W. à persona eiusdem Iohā adtunc & ibidem inuenit felon cepit & asportauit cōtra pacem dictæ dñæ Regiñ, coronam, & dignitatem suas, ut supra.

An Indictment against one for making an assault and affray, upon one in the new Forest in the high way, and taking from him his purse and xxx. s. in it, and ij. gold rings off his fingers.

Sect. 193.

Iuratores &c. quid. A. B. nuper de &c. 2. die I. &c. vi & armis, viz. &c. in noua forest. in quodā loco ibidem voc. I. in paroch. de F. in comit. præd. in quend. homin. ignot. in regia via ibidem insult. & affraiam fecit, & eum in timor. corpor. adtunc & ibidem posuit, & xxx. s. in pecun. num. in quād. crum. ibidem existentē, & 2. annul. aureos valor &c. sup. digit. eiusdem homin. ignot. exist. de bon. & cattal. eiusd. homin. ignot. a pson. sua adtunc & ibidem felon cepit & asportauit contra pacem &c.

Against a Rogue, a Vagabond, and against him which lodgeth and receiveth him.

Sect. 194.

Iuratores pro Dñā Reg. presentant, quod A. B. nuper de C. in comitatu E. Laborer, ætatis 14. annorum & ampli⁹, ac corpore sano, valent. potente, atque ad laborandum habili existens, nullam autem habens terram, nec vllam magistrum, nec aliqua vtens licita Merchandiza, arte, vel mysterio vnde sibi victum parare posset, ac prorsus nesciens rationem reddere quo pacto victum suum legitime acquirat, decimo die Augusti Anno regni dñæ nostræ Eliz. Dei gratia Angliæ, Franciæ, & Hyberniæ Regiñæ, fidei defensoris &c. Tricesimo, quinto, apud E. infra hundredum de W. in comitatu E. præd. & multis alijs in locis dicti comit. E. hac illac passim vagatus est mendicans, ac per W. P. de E. præd. in dicto comit. E. yeoman, Constabularium dicti hundredi de W. (in quo sita est villa de F. predicta) postea, viz. vñdecimo die dicti mensis Aug. anno supradicto, apud E. præd. in comit. E. prædicto inuentus est vagans, & mendicans, ac p. eundem Constabularium tunc ibidem deprehensus est inordinate se gerens, tanquam vagabundus & mendicus valens contra pacem dictæ dominæ Regiñæ, ac contra formam diuersorum

forum Statutorum in diuersis Parliamentis dictæ dñæ reginæ nunc inde prouisorum & æditorum : & vterius quod G. H. de E. prædicta, in com' E. Prouisorum, sciens prædicta A. B. modo & forma prædictis vagantem & mendicantem, eundem tamen A. B. dicto decimo die anno supradicto in domo ipsius G. H. mansionali apud E. prædictam, in comit' E. prædict' hospitauit, & eidem A. B. tunc & ibidem panem & potum voluntarie dedit, in contemptum dictæ dñæ reginæ, ac contra formam statutor' prædicti.

For breaking of a safe conduct granted by King H. 6. to Marchant strangers of Genua.

Iura presentant, quod cum illustrissimus princeps Henricus rex Angliæ sextus post cōquestū, per literas suas patentes sub saluo conductu suo, concessit licentiam, & saluum conductū suum dedit A. B. & D. & alijs alienigenis Mercatoribus de Genua, pro eis, & quadam naui voc' (a Carike) & pro bonis, rebus, & merchandis suis, infra eandem nauem existē, de transitu portus South. in Angliā per mare, versus partes Genuæ transferendū, & eadem absque aliquibus roberijs, fractionē, impeditione, perturbacionē, aut captione ipsorum alienigenæ, bonorū, & merchandiarū, siue mercimoniorum suorum prædictorum, per aliquos ligeos dicti domini regis infra regnum dicti regis Angliæ, gaudendū, sine impeditione ibidem : quidam H. de D. in comitatu E. armig', & alij fractores salui cōductus domini Regis, de ligeis ipsius domini regis infra regnum Angliæ existē ignof, vi & armis, viz. gladijs, arcub', sagittis, duploibus defensiuis, & alijs armis defensibilibus armati saluum conductum prædicti minime venientes & spernentes, in prædictos A. B. & alios alienigenos ad tunc & ibidē insult fecerunt, & ipsos verberauerunt vulnerauer, ac maletrastauer, & ipsos in naui prædicta, tanquam eorum prisionarios ad tunc & ibidē ceperūt & custodiuer, & eos in prisiona sub custodiā sua, diu, viz. per 4. dies, quousq; ijd' A. B. & D. & alij alienigenæ in eadem naui existē, finem & redemptionem pro saluo conductu & deliberatione suis habendū, pro sexcent' marcis cum præf. H. & alijs prædict' fecissent, denouerūt, contra saluum conductum domini Regis prædicti, & contra formam statuti in huiusmodi casu prouis. & ædict', ac contra dignitatem regiam, ac in malum exemplum aliorum &c.

Sect. 195.

For Sacrilege or Burglary in a Church in the night time, and the taking away of the communion Cuppe.

Iuratores presentant pro domina regina, quod A. B. de C. in comitatu E. prædict' Sailer, primo die Septembris, anno regni dictæ domine nostræ Eliza bethę Dei gratia Angliæ, Franciæ, & Hybernicię reginæ,

Sect. 196.

fidei

Indictments and

fidei defensoris &c. Tricesimo quarto, vi & armis ecclesiam parochialem de C. pred' in dicto com' E. felonice, & burglariter fregit & intrauit noctanter, viz. inter horas decimam & vndecimam post meridiem eiusdem diei, ac vnum calicem argenteum (Anglicè vocatum a **Communion cup**) ad valenc' xl.s. de bonis & catallis parochianorum de C. p'd, ad tunc existentem in eadem ecclesia, & tunc ibidem inuentum felonice cepit, & asportauit, contra pacem dictæ domine regin' n'æ nunc, coronam & dignitatem suam.

For Sacrilege or robbery in a Church, and for the taking away of two Communion Cuppes, two Copes of blacke velvet, and three Surplices.

Sect. 197

INquiratur &c. si I.M. nuper de D. in com' M. & R.H. nuper de eadē D. p'dict', in comitatu M. predict' **yeoman**, laici hom' (vt supra) 23. die &c. vi & armis, viz. gladijs, baculis & cultellis ecclesiam parochialem omnium sanctorum de E. apud E. in comitatu M. pred' circa horā 12. in nocte eiusdem diei felonice frugerunt & intrauerunt, & duos calices de argēto & auro, duo vestimenta de nigro veluet vocat **Copes**, tres pannos lineos vocat &c. ad valenc' &c. de bonis & ornamentis, de paroch' de E. pred', in com' M. p'd', in custod' I.B. & T.P. custod', & gardian' eccl' p'd, ad tunc & ibidem inuent, felonice furati fuerunt, ceperunt, & asportauerunt contra pacem dict' domin' regis, ac contra formam statuti eiusdem domini regis anno regni sui 33. edit' & prouis. &c.

For slanderous writing and publishing of the same against the Queene.

Sect. 198

IVratores pro domini regina presentant, quod A.B. nuper de C. in comitatu E. Clericus, 25. die Iulij, anno regni dictæ domine nostræ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernæ reg', fidei defensoris &c. tricesimo quarto, apud G. in comit' E. pred', consultē et deliberant, cum maliciosa intentione, et felonice quoddam scriptum Anglice edidit et publicauit, continens (inter alia) hanc falsam seditiosam et scandalosam materiam, ad defamationem maiestatis dictæ domine n'æ nunc, viz. (*reciting the seditious words thereof*) contra pacem dictæ domine regin' n'æ, et regalem maiestatem suam, (cui ne in cogitatione quidem detrahēre licet) ac contra formam cuiusdam statuti in Parlamento dictæ domine reginæ nostræ nunc, tenē apud W. in com' Midd', anno regni sui vicesimo tertio, in huiusmodi casu prouis. ac edit'.

An Indictment against a Scholemaster being a Recusant for teaching school in a widowes house without licence, and against the widow for keeping him in her house knowing him to be a Recusant.

Sect. 199.

IVratores pro dñā Regina presentant, quod K.M. de I. in com' E. Scholæ magister, secundo die Septemb', anno regni dictæ dñæ n'æ Elizabethæ.

Elizabeth, Dei gratia &c. tricesimo quarto, vsq; nunc, in domo mansionali cuiusdam E.A. de I. p̄d in com' p̄d viduæ, ausus est, et p̄sumpsit erudire, et docere pueros dictę E.A. ibidem, cum idem K.M. durante tempor' p̄dicto non accessit, nec resortauit ad eccl' parochial' de I. p̄d, in com' F. p̄d, nec ad villam aliam capellam, aut vsualem locum commun' p̄cationi, sed se penitus per totum tempus p̄d abinde absentauit, nullam habens legitimam aut rationalem dictę suę absentię excusationē, & cum idem K.M. non est per episcopū diocesis loci illius, in quo sita est p̄d ecclesia parochialis de I. p̄d dicta, aut per eius loci ordinarium, licentiatu, aut allocatus ad erudiend' et docend': In magnū dictę dñę nostrę reg' contemptum, ac contra formam statuti, in Parliamēto dictę dñę reginæ, (tento apud West. in com' Midd', anno regni sui vicessimo tertio) in huiusmodi casu prouisi et æditi. Et quod p̄dicta E.A. voluntariē in domo sua p̄d, per totum tempus p̄d custodiuit et manutenuit p̄sāt K.M. modo et forma p̄d erudentem et docentem, sciens ipsum K. modo et forma p̄dictis, se absentasse. In contemptum dictę domine reginæ, ac contra formam statuti p̄dicti.

For words spoken against the Queene, vpon the Statute of Anno 23. of her raigne.

Viratores pro domini regina p̄sentant, quod infra tres menses iam vltimo elapsos, viz. secundo die mensis Octobris, Anno reg. dominę nostrę Eliz, Dei gratia Anglię, Francię, et Hybernıę regis, fidei defensoris &c. tricesimo quinto, G.P. de A. in comitatu G. *Labourer*, in domo mansionali cuiusdam R.S. infra parochiam de A. p̄d in com' G. p̄dicto, ac in p̄sentia multorū dictę dom' regin' subditoꝝ fide digni tunc ibidem existentium, consulto, deliberare, ac cum malicioſa intentione aduersus dictam dominam nostram nunc, ex imaginatione ipsius G.P. propria, hæc falsa, seditioſa, et scandalosa dicta, ad scandalū et defamationem dictę dom' reg' nřę, tunc et ibidem loquutus est, vtr in his Anglię verbis sequitur, viz. (*Reciting the words themselves*) In magnum dictę dom' regin' nřę nunc contemptum, ac contra pacem corōn et dignitat' suas, necnon contra formam statuti in Parlamento dictę dñę nostrę nuper tento apud West. in com' Midd', anno regni sui vicessimo tertio &c.

Sect. 200.

For slandering of Noblemen.

Inquiratur pro Domina Regina, si R.B. nuper de C. in comit' D. *peor* man, Deum p̄æ oculis suis non habens, sed instigatione diabolic' seduct', ac ligentiam suam erga dictam dominam nunc Elizabeth', Dei gratia

Sect. 201.

R. j.

gratia

Indictments and

fidei defensoris &c. Tricesimo quarto, vi & armis ecclesiam parochialem de C. pred' in dicto com' E. felonice, & burglariter fregit & intrauit noctanter, viz. inter horas decimam & vndecimam post meridiem eiusdem diei, ac vnum calicem argenteum (Anglicè vocatum a *Communione cup*) ad valenc' xl.s. de bonis & catallis parochianorum de C. p'd, ad tunc existentem in eadem ecclesia, & tunc ibidem inuentum felonice cepit, & asportauit, contra pacem dictæ domine regin' n'æ nunc, coronam & dignitatem suam.

For Sacrilege or robbery in a Church, and for the taking away of two Communion Cuppes, two Copes of blacke veluet, and three Surplices.

Sect. 197

INquiratur &c. si I.M. nuper de D. in com' M. & R.H. nuper de eadē D. p'di' in comitatu M. predict' *yeoman*, laici hom' (vt supra) 23. die &c. vi & armis, viz. gladijs, baculis & cultellis ecclesiam parochialem omnium sanctorum de E. apud E. in comitatu M. pred' circa horā 12. in nocte eiusdem diei felonice fregerunt & intrauerunt, & duos calices de argēto & auro, duo vestimenta de nigro veluet vocat *Copes*, tres pannos lineos vocat &c. ad valenc' &c. de bonis & ornamentis, de paroch' de E. pred', in com' M. p'd', in custod' I.B. & T.P. custod', & gardian' eccl' p'd, ad tunc & ibidem inuent', felonice furati fuerunt, ceperunt, & asportauerunt contra pacem dict' domin' regis, ac contra formam statuti eiusdem domini regis anno regni sui 33. edit' & prouis'. &c.

For slanderous writing and publishing of the same against the Queene.

Sect. 198

IUratores pro domini regina presentant, quod A.B. nuper de C. in comitatu E. Clericus, 25. die Iulij, anno regni dictæ domine regin' Elizabethæ, Dei gratia Angliæ, Franciæ, & Hybernæ reg', fidei defensoris &c. tricesimo quarto, apud G. in comit' E. pred', consultè et deliberatè, cum maliciosa intentione, et felonice quoddam scriptum Anglice edit et publicauit, continens (inter alia) hanc falsam sediciosam et scandalosam materiam, ad defamationem maiestatis dictæ domine regin' n'æ nunc, viz. (*reciting the seditious words thereof*) contra pacem dictæ domine regin' n'æ, et regalem maiestatem suam, (cui ne in cogitatione quidem detrahère licet) ac contra formam cuiusdam statuti in Parlamento dictæ domine regin' n'æ nunc, tenet apud W. in com' Midd', anno regni sui vicesimo tertio, in huiusmodi casu prouis'. ac ædit.

An Indictment against a Scholemaster being a Recusant for teaching schools in a widowes house without licence, and against the widow for keeping him in her house knowing him to be a Recusant.

Sect. 199.

IUratores pro dñā Regina presentant, quod K.M. de I. in com' E. Scholæ magister, secundo die Septemb', anno regni dictæ dñæ regin' Elizabethæ

Elizabeth, Dei gratia &c. tricesimo quarto, vsq; nunc, in domo mansionali cuiusdam E.A. de L. p̄d in com' p̄d viduæ, ausus est, et p̄sumpsit erudire, et docere pueros dictæ E.A. ibidem, cum idem K.M. durante tempore p̄dicto non accessit, nec resortauit ad eccl' parochial' de L. p̄dictæ, in com' F. p̄dictæ, nec ad vllam aliam capellam, aut vsualem locum communis p̄cationis, sed se penitus per totum tempus p̄d abinde absentauit, nullam habens legitimam aut rationalem dictæ suæ absentia excusationem, & cum idem K.M. non est per episcopum diocesis loci illius, in quo sita est p̄d ecclesia parochialis de L. p̄dicta, aut per eius loci ordinarium, licentiatum, aut allocatus ad erudiend' et docend': In magnū dictæ dñę nostræ reg' contemptum, ac contra formam statuti, in Parliamento dictæ dñę reginæ, (tento apud West. in com' Midd', anno regni sui vicessimo tertio) in huiusmodi casu prouisi et æditi. Et quod p̄dicta E.A. voluntarie in domo sua p̄d, per totum tempus p̄d custodiuit et manutenuit p̄sāt K.M. modo et forma p̄d erudientem et docentem, sciens ipsum K. modo et forma p̄dictis, se absentasse. In contemptum dictæ domini reginæ, ac contra formam statuti p̄dicti.

For words spoken against the Queene, vpon the Statute of Anno 23. of her raigne.

Vires pro domini regina presentant, quod infra tres menses iam vltimos elapsos, viz. secundo die mensis Octobris, Anno reg. dominæ nostræ Eliz, Dei gratia Angliæ, Franciæ, et Hybernæ regis, fidei defensoris &c. tricesimo quinto, G.P. de A. in comitatu G. Labourer, in domo mansionali cuiusdam R.S. infra parochiam de A. p̄d in com' G. p̄dicto, ac in præsentia multorum dictæ dom' regin' subditor fide dignorum ibidem existentium, consulto, deliberare, ac cum maliciofa intentione aduersus dictam dominam nostram nunc, ex imaginatione ipsius G.P. propria, hæc falsa, seditiosa, et scandalosa dicta, ad scandalū et defumationem dictæ dom' reg' n̄ræ, tunc et ibidem loquutus est, vtr in his Angliis verbis sequitur, viz. (*Reciting the words themselves*) In magnum dictæ dom' regin' n̄ræ nunc contemptum, ac contra pacem coram et dignitat' suas, necnon contra formam statuti in Parlamento dictæ dñę nostræ nuper tento apud West. in com' Midd', anno regni sui vicessimo tertio &c.

Sect. 200.

For slandering of Noblemen.

Inquiratur pro Domina Regina, si R.B. nuper de C. in comit' D. p̄d man, Deum p̄ oculis suis non habens, sed instigatione diabolic' seduct', ac ligeantiam suam erga dictam dominam nunc Elizabeth', Dei gratia

R. j.

Sect. 201.

Indictments and

gratia &c. parui pendens, ac leges & statuf huius regni Angliæ minimè estimans, nec poenam in eisdem contenti aliquiditer verens, decimo sexto die Maij, anno regni dominæ Elizabethæ &c. apud M. in comitatu D. prædicto, malitiose ex imaginatione sua propria, hæc falsa & scandalosa verba ac rumores de magnatibus & proceribus huius regni Angliæ subsequencia, prolocut est, viz. *that* &c. Quæ quidem omnia, quantum falsa sint, vt vera retulit, & multa alia verba scandalosa adtunc & ibidem dixit & ppalauit, contra pacem dictæ dñæ reg' nũc, coronæ et dignitat' suas, & conf' formam diuersor' statutor' inde nuper actæ & prouit.

*For shooting Haile-shot in a hand-gunne, vpon the Statute of 2.
Ed. 6. wherein the statute is recited.*

Sect. 202.

Inquiratur pro domina regina, qđ cum in statuto in parl' aſſento dñi E. nuper regis Angl' sexti apud West', anno regni sui secund', inter alia ordinat' & inactitat' existit, qđ nulla person' subter gradũ dñi parl'iam' extunc deinceps sagittaret in aliquo torrito infra ciuitatē vel villam, ad aliquam volucrē siue aliam metam super ecclesiā, domũ, aut columbas, neq; qđ aliqua psona sagittaret in aliquo loco, aliquā sagittatiōē voc' *Haileshot*, aut pluf' glandines plũbeas, quam vnā vno tempore, sub pena forisfact' dec' librar' pro quolibet tempore in quo ipse conf' statuf pđ delinqueret, & imprisonament' corporis sui p spaciũ triũ mens'. p'ut in statuf pđ plenius continetur. Quidam tamen I. C. nuper de B. in com' E. yeoman, statutum pđ minimè ponderans, nec poen' in eod' contenti aliquiditer verens, quinto die Iunij &c. in quodam torrito Anglicè voc' a *Handgun*, onerat' puluere & glandinibus plũbeis, Angl' *charged with powder & haileshot*, in quandā anatem, adtunc in quadā palude in cōmuni campo voc' *Betherfield* de B. pđ in com' E. pđ exiſtent, sagittauit & exonerauit, Anglicè *discharged*, conf' formā statuti pđ, ac contra pacem dictæ domine reginæ nunc, coronam & dignitatē suam.

For being a common Barretor, for keeping a blind Tauerne, and receiving suspicious persons, and the wife a Scold.

Sect. 203.

Inquiratur &c. si I. S. nuper de C. in com' N. *Labazet*, est homo male conuersation' & gubernation', ac communis barraf' & pacis dñæ reg' perturbator. Et qđ idē I. S. apud G. pđ in com' N. pđ custod', tenet & occupat quand' domũ, siue Tabern', nō habent' vsuale signũ aptē apposit', vulgariter dict' a *blind Tauerne*. Et qđ primo die Iunij &c. Necnō diuersis dieb' & noctib' antea & postea, in ead' domũ diſſos hosies male conuersation', & suspectos, venient omnib' horis, tã noctis, quā diei, recepit & hospit' est, p q' vicini sui ac alij ligei populi dict' dñæ reg' ibid' multiplicit'

pliciter vexant, inquietant, & grauant, & ministri dñæ Reg. ppter pa-
cis conseruationem, officia sua ibid exercere & exequi phibentur, & ex-
penum in periculo amissionis vitæ, & lesionis corporis suorum quotidie ex-
sunt. Et q̄ I. vxor p̄d I. S. est communis obiurgatrix, tam cum vicinis
quam cum alijs ligeis dict' dñæ Reg. p quod populi dict' dñæ Reg. mul-
tipliciter molestant, inquietant, et grauant, contra pacem dict' dñæ Re-
gii &c.

*For breaking of a stable, and taking out of the same a Gelding and a
Mare, and the accessarie after.*

[Vratores pro domina Regina p̄sentant quod A. B. nup de C. in com̄ Sect. 104.
E. Gelder, vicefimo nouo die Aug. Anno regni dictæ dñæ nostræ E-
lizab. Dei grātia Angliæ, Franciæ, et Hybern Reg. fidei defensor &c.
Tricesimo quarto, vi et armis quoddam stabulum in domo mansionali
cuiusdam I. S. infra paroch' de C. pred' in comitatu E. p̄d existens, fregit
ac intrauit, & vnum equum spadonem Anglice voc' a gelding) color al-
bi, precij sex libraꝝ, & vnam equā color nigri, precij 30. solid' de bonis
& catallis ipsius I. S. tunc & ibid existentes inuentos felonice cepit &
abduxit, contra pacem dict' dom̄ regii, coronæ & dignitat' suas. Et qd̄
K. Hauper de C. predicta in comitatu E. predicto hoc fecer, sciens p̄-
fit A. B. feloniam pred' apud C. pred' in comitatu E. p̄d modo & for-
ma p̄d fecisse & perpetrasse, eundem tamen A. B. apud C. p̄dict' in co-
mitatu E. p̄d 30. die dicti mensis Aug. anno supradicti felonice rece-
pit & hospicio excepit, post feloniam predictam sic per ipsum A. B. vt
prefetur factam & commissam: contra pacem dictæ dñæ nostræ Reg.
nunc, et contra coronam, ac regiam dignitatē suā.

Receit.

*An Indictment against a servant of the age of 19. yeares retained for one
yeare for going away with ten pounds, the which his master deliuered vnto
him in trust, so keepe it from him.*

[Vratores p̄sentant p dom' Regina, q̄ cum A. B. de C. in comitatu Sect. 105.
E. p̄ccer, vicefimo die Septembris, Anno regni Domine nostræ E-
lizabethæ, dei grātia Angliæ, Franciæ, & Hybernæ reginæ, fidei de-
fensoris &c. Tricesimo quarto, in domo mansionali ipsius A. B. apud
C. p̄dict' in comitatu E. p̄d deliberasset cuidam E. F. de C. predicta
in dicto comitatu E. p̄ccer, tunc seruienti ipsius A. B. p vno An̄ in-
tento retento, ac etatis nouemdecim annorum existenti, decem libras in
pecunijs numeratis de bonis ipsius A. B. ea intētionē, vt idem E. F. eas-
dem saluo custodiret, ad vsum p̄dict' A. B. tunc magistri sui: Idem E.
F. dicto vicefimo die Septemb. an. supradicti (apprenticius dicti A. B.
tunc non existens) apud C. p̄d in comitatu E. p̄d a dicto magistro
R. ij. suo

Indictments and

suo vna cum p^d decem librⁱ dict' A.B. tunc magist^r sui malitiose & se se-
loñ discessit, abijt, et aufugit, ea intentione, ad furand^u dict' decem libras
contra fiduciam in eo per prefat' A.B. tunc magist^r suum reposuit & col-
locatam, & ad inde dictum A. B. magist^r suum p^d defraudand^u : contra
pacem dict' domini Reg. ac contra formam diuor^u Statutor^u huius regni
Angliæ in hūdi casu, prouisorum & e^ditorum.

*For stealing of a Cowe, and the accessories before the offence
committed.*

Sect. 106

I Vratores pro dñā Regina presentant, quod A.B. de C. in comitatu E.
Schoemaker, primo die Iu. Anñ reg. dict' dñæ nostræ Elizabethæ,
Dei gratia Angl', Franc' & Hybern Regiñ fidei defensoris &c. Trice-
simo quarto, in quodam loco infra parochiam de C. predict' in comita-
tu E. predicto (vocato **the Colwe pasture**) vi et armis &c. clausum cuius-
dam I.S. de D. in comitatu E. pred^u **yeoman** fregit & intrauit, & quandā
vaccam (coloris nigri, precij xl. solidⁱ) de bonis & catallis p^d I. S. tunc
ibidem existentē inuentam, felon^u cepit, furatus est, & aduxit, cōtra pacē
dict' dñæ Regiñ nunc coronā & dignitatem suas. Et quod quidam G.
H. de C. pred^u in dicto com^u E. **Butcher**, ante feloniam p^d dict' scilicet eo-
dem primo die Iunij Anñ tricesimo quarto supradict' eund' A.B. apud
C. pred^u in com^u E. prædicto, ad felon^u pred^u faciend^u & ppetrand^u, maliti-
ose et felon^u excitauit, persuasit, et pcurauit, contra pacem dict' dñæ Re-
giñ coronam & dignitatem suam.

Procurement.

*An indictment upon the statute of Anno 21. H. 8. against a servant above the
age of 18. yeares, for going away with a bracelet of golde, worth 17. li.
deliuered to him by his Master to keepe, wherein the Statute is recit-
ed.*

Sect. 107.

I Vratores present &c. quod cum per quendā act^u in P. rliamto dñi H.
nup regis Angliæ 8. Westm in com^u Middⁱ, anñ regnⁱ sui xxj. tēf, &
diē, p^d dict' dominum reg. cū assensu dñor^u spiritualium & temporalium,
ac communitatis in eod' Parliamto cōgregatⁱ, necnon auctoritate eiusd'
inter alia ad tunc ibidē inactitatⁱ existit, Quod si aliquis seruus, cui eiusd'
Magister vel Magistra liberaret aliqua bona valor^u 40. s. custodiend^u, dis-
cesserit cum bonis illis cum intentione ad furandum vel retrahendum e-
adem, fore t feloniam, put per eund' actū plene liquet. Qui quidem actus
postea per quendam alium actum in Parliam^u domine Mariæ nuper
reg. Angl' apud Westm p^d, an. regnⁱ sui primo, tēf, & diē, fuit repellatⁱ et
in nihilatⁱ, ac postea p^d quēdā aliū actum in pliamto dñæ Reg. nūc apud
West. p^d anñ regnⁱ sui 5. tēf, & diē, reuiuatⁱ, & adhuc in vigore existit.

Ac

Accidit cum C.P. armig' secundo die S. anno regni dictæ dñe reginæ
nunc xv. apud G. in com' M. p'd, liberasset I.G. nup' de E. in comitat' M.
p'd husbandman, ad tunc seruient' suo & non appreh' suo existens, & vlt'
erat i8 annor' quoddam brachiale auri, Angl' a *Wacelet of gold*, valor
i8 li. &c. de bonis & catallis p'd C. pro eodẽ C. saluo custodiend'. Preð
tamen I.G. statuit p'd minime ponderans, nec pœnam in eodem conten-
tam verens, apud G. p'd in dicto com' M. eodẽ secundo die S. anno i5.
suprad, à præfat' C. ad tunc Magistr' suo seipsum retraxit & cū brachiali
p'd selon discessit, ea intentione ad furand' brachiale p'd, ad defraudand'
p'd C. Magistrum suum de brachiali p'd, contra fiduciam & confiden-
tam in eodem I. per p'd C. Magistrum suum reposuit, ac contra formã
statuti predicti inter ceteros Articulos quorum &c.

*For conuerting Tillage into Pasture for Conies, to
the hurt of the neighbours.*

¶ Vratore presentant pro domina regina, quod H.W. de A. in com' E. Sect. 208.
I. genef primo die Nouem. anno regni dictæ dom' nostræ Elizabethæ,
Dei gratia &c. Tricesimo quarto, seiscitus existens in dominico suo vt de
feodo, de, & in i2. acf terr' arabilis in A. pred' in com' E. p'd iacentib' (ac
de, aut in aliqua libera warrenna non existentibus, sed per spaciũ 4.
annorum dictum primum diem Nouemb' anno suprad' proxim' pcedẽ-
tum, in cultur' & semination' granor' vsitatis & applicatis) dicto primo
die Nouem. ann' suprad', ac diuersis alijs diebus & vicibus, antea, et post,
p'd i2. acf terr' arabilis, à cultur' p'd & sation' granor', vsque in hunc diem
presentem, in pastur' pro cuniculis custodiendis conuertebat, & adhuc
conuertit & cultod' : Ad graue nocumentum I.R.R.T. & W.M. de A.
p'd in dicto comitatu E. (vicinor' ibid' existens) ac contra formam diuer-
torum statutorum in huiusmodi casu prouisorum & edictorum.

*An indictment against one, for suffering of three houses of husbandry to de-
cey, and for putting out of the husbandmen, and conuerting of the land be-
longing to the same, from tillage to pasture.*

¶ Inquiratur pro domina regina, si I.K. nuper de T. in comitatu E. gen', Sect. 209.
I. primo die Octobris, ann' &c. seiscit in dominico suo vt de feodo, de &
modo mesuag' agriculturæ in T. prædict' in dicto comitatu E. in qui-
bus septem seperales agricolæ (Anglicè vocat' *Husbandmen*) ad tunc in-
habitant, ac de & in trecent' acris terr' arabil' in T. prædict' in dicto
comitatu E. in cultura & seminatione granor' vsitat' & applicat' ad tunc
essent, de quibus triginta acræ ad minus cum quolibet dictor' mesua-
gior' ad tunc seperatim occupat' & vsitat' fuerunt. Et quod p'd I.K. leges

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& statuf huius regni Angl' parui pendens, dicto primo die Octob', anno &c. fupradicto, ac diuerfis diebus, & vicibus, antea & poſtea, pro proprio lucro & ſingulari cōmod' ſuo, tres agricolas dictorum ſeptem, de tribus de p'dict' ſeptem meſuagijs ad tunc expulit & amouit, & eadē tria meſuagia abſq; aliquo inhabitantē, ſiue aliquibus inhabitantibus in eiſdem, irrep'are ſtare, & in decal. & ruinam cadere, ad tunc & deinceps vſque diem captionis huius inquisitionis voluntariē cauſauit & permiffit. Inſuper quod p'ed' I.K. die & anno ſupradicto, ac diuerſis diebus & vicibus antea & poſtea, cent ac' p'ædictarum trecentarum acrarum terrar' arabil', iacent' & exiſtent' in T. p'edict' in com' E. p'ædict', cum foſſat' & ſepibus viuus inclufit, & illas abinde à cultura agriculture & ſeminatione granorum vſque diem captionis huius inquisitionis in paſtuf, cōuertebat & cuſtodiebat, & adhuc conuertit & cuſtodit, in malum & pernicioſum exemplum aliorum, ac contra formam diuerſorum ſtatutorum in huiusmodi caſu æ diſt' & prouiſ'. &c.

An Indictment againſt a Prieſt for his affirming that the Pope of Rome is ſupream head of the Church of England, and againſt one as acceſſory for comforting of him therein.

Sec. 210.

Iurator præſentant pro domina regina, quod I.S. de C. in comitatu E. Clericus, viceſimo die menſis Apr', anno regni ſereniſſimæ domine noſtræ Elizabethæ, Dei gratia Angliæ, Franciæ, et Hyberniciæ reginæ. ſidei defenſoris &c. triceſimo quarto apud D. in comitatu E. p'ædicto, ſcient', conſiderat', malicioſe, & directē palam in præſentia multor' dictæ domine reginæ noſtræ nunc ſubditorum, affirmauit, & defendit auctoritatem Papæ Romani eccleſiaſticam in regno Angliæ præ antea uſurpatam, his expreſſis verbis anglicanis ſequentibus, viz. *I ſwear by the bleſſed Paſſe, and will auow that our holy father the Pope of Rome, is the ſupreme of the Church of England*, in magnam derogationem regiæ auctoritatis, & progatiuæ dictæ domine reginæ noſtræ, ac contra coronam & dignitatem ſuam, necnon contra formam diuerſor' ſtatutor' in huiusmodi caſu æditorum & prouiſorum. Et qd' A.B. de D. p'ædict' in comitatu E. p'ædict' ~~et~~ marchander, ſciens ipſum I.S. dicta verba loquutum eſſe, ac dictam dicti Papæ auctoritatem modo & forma vtpreſertur, defendiſſe, ipſum I.S. apud D. p'd. in dicto com' E. poſtea ſcilicet 22. die dicti menſis A. anno ſupradicto, conſolatus eſt & cōfortauit, ex induſtria & ex propoſito, & ad eam intentionem, videt' A.B. promoueret & efferret p'æf. dicti Papæ auctoritat' uſurpatam, in pernicioſiſſimum aliorum exemplum, ac contra coronam, & dignitat' dictæ domine Reginæ noſtræ nunc, ac etiam contra formam diuerſor' ſtatutor' in cuiusmodi caſu prouiſorum & æditorum.

An Indictment against a Priest, for practising to absolve and persuade a Widow woman from her obedience and subiection to the Queene, and to obey the authoritie of the see of Rome.

Inquiratur pro domina Regin' si A.B. de C. in dicto com E. clericus Sec. 211.
 16. die mensis Maij, anno Reg. dict' dominæ nræ Eliz. dei gratia Ang.
 Franciæ, & Hybern' Regine, fidei defensoris &c. Tricesimo quarto, apud C. pred' in comitatu E. predicto, voluntarie & proditorie, conatus est & practicauit absolvere, persuadere, & seducere quandam I. W. de C. p'd in com E. p'dicto viduam a naturali obedientia & subiectione sua quam ead' I. erga dict' dominā nostram regin' gerere debet, ad obediendum pretenſæ authoritati Sedis Romanæ, tunc & ibid' proditorie præ se ferens & allerens se habere potestatem & facultatem id faciendi, & tunc & ibidem proditorie dicens eidem Ioannæ his Angliæ verbis sequentibus, *God bet Joane you shall haue a blacke soule (I tell you) if you doe not the sooner forsake the Queene* (innuendo p'd dominā nræ reg. nunc) *and her heresie, & yeeld your self to the obedience of our mother church the holy see of Rome*: contra pacem dict' domini nostri reginæ, coronā, & regalem dignitatem suam, & contra formam statuti in Parlamento dictæ dominæ nostræ regin' tento apud Westm' in com' Midd', anno dict' regn' sui vicesimo tertio, in lūdi casu prouis. et editi.

An Indictment against a Iesuite, and against one for receiuing of him upon the statute of An. 27. of Queene Eliz.

Inquiratur pro domina Regin', si E. C. nuper de S. in com E. p'd clericus nat' apud S. p'd in com E. p'd atq; infra annū iam p'x. preteritum fact' & p'fessus Iesuita p' authoritatem a sede Romana deriuatam proditorie apud S. p'd in comitatu E. pred', 6. die Iulij, ann' reg. dict' dñæ nræ Elizabethæ Dei gratia Angliæ, Franciæ, & Hybern' Regin' fidei defensor &c. Tricesimo quarto, a partibus transmarinis applicuit, & dicto 6. die anno supradicto, & nonnullis alijs diebus tunc proxime sequentibus apud S. pred' in comitatu E. pred', proditorie moram fecit ac remansit: contra formam cuiusdam statuti in parlamento dict' domini Reg. nostræ nunc tento apud Westm' in comitatu Midd' anno regni sui vicesimo septimo, in huiusmodi casu prouisi, & editi, ac contra pacem dictæ dñæ reginæ, coronam, & dignitatem suas. Et si W. B. de S. p'd in dicto comitatu E. mercator, scienter, voluntarie, & felonice postea, scilicet, dicto, 6. die dicti mensis Iulij anno supradicto prædict' E. C. apud S. pred' in com E. pred' receptauit & confortauit dicto W. B. ad tunc & ibidem ad largum & extra prisonam existente, ac prefat' E. C. Sec. 212.
Receit.
 R. iiii. huiusmo-

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huiusmodi Iesuita esse, tunc & ibidem sciente & cognoscente: Contra formam statuti p̄d', ac contra pacem coronæ & dignitatē dictæ dñæ Reg. nostræ.

For a Trespasse in Corne, Grasse, and Plowing.

Sect. 213.

Inquiratur pro domina Regin, si A. B. de C. in com E. yeoman, 20. die mensis A. An̄ regni dñæ n̄ræ Eliz. dei gratia Angl', Frac. & Hybern reg', fidei defensor &c. Tricesimo quarto, quoddā clausum cuiusd' I. S. apud C. p̄d' in com E. p̄d' (vulgariter voc' *Cotwalese*,) vi & armis fregit ac intrauit, ac herbas & blada triticea ipsius I. S. tunc ibidē crescentia (ad valentia xx.s.) cum quibusdā bobus, & bidentib' ipsi' A. B. tunc ibid' depastus est ac consumpsit, necnon solum & fundum ipsi' I. S. tunc ibid' quodam aratro subuertit, per q̄ p̄d' I. S. omne commodum & proficuum dicti soli sui per longum tempus postea amisit. Ac alia damna et enormia p̄d' I. S. tunc ibidem intulit, ad graue damñ ipsius I. S. ac contra pacem dictæ dominæ nostræ Reg. nunc, coronæ & dignitatē suas.

For eating Corne with a flocks of Sheepe.

Sect. 214.

Inquirat &c. si I. M. de M. in com E. Shepheard, 30. die M. An̄ reg. &c. apud V. in com E. p̄d' vi & armis, viz. baculis & cultellis clausū I. S. fregit, & blada ipsius I. S. viz. hordea & auenas in 30. ac̄ tert tunc ibid' crescent cum grege ouium in custodia sua existē depastus fuit, conculcauit, & consumpsit, & alia inormia ei intulit ad graue damnum ipsius I. S. ac contra pacem dict' &c.

For Trespasse in Fishgarths in the hands of diners farmers, and for the taking of three Salmons.

Sect. 215.

Iura present p̄dñā Reg. q̄ W. S. de B. in com L. yeoman, I. W. de C. Idem villa in com L. p̄d' yeoman, & I. W. de T. in com L. p̄d' yeoman 8. die Martij, An̄ &c. circa horam quartam post meridiem eiusd' diei, in S. K. & B. in com L. p̄d' vi et armis &c. in quād p̄f' voc' *Fishgarths* tunc intenura et occupat R. F. C. L. & I. firmat ibid' dict' dñæ reg. intrauit et fregit, et tres Salmones ad valenc' 20.s. de bonis & catal' p̄d' R. F. C. L. & I. L. in p̄f' p̄d' ceperūt & abinde asportauer, cōt' voluntatē p̄d' R. F. &c. ad graue damñ ipsos R. F. &c. ac contra pacem dict' dominæ Regine nunc &c.

An Indictment against one for taking above the rate of x. li. in the 100. li. for the lone thereof for one year.

Sect. 216

Iuratores pro domina Regin' present, q̄ ubi A. B. de C. in comitatu E. p̄p̄ter, primo die O. An̄ regni dñæ n̄ræ Elizabethæ, Dei gratia Angl'

Angliz, Francie, et Hybern' Regin', fidei defensoris &c. Tricesimo quinto apud C. predictam in dicto com E. mutuo dedisset, et accommodasset cuidam D.E. de C. p'd in dicto com E. *Schoemaker*, summam 20. lib. in pecunijs numeratis de pecunijs dicti A. B. ea intentione, videlicet D.E. viginti libras eidem A. B. redderet et resolveret primo die Aprilis nunc proximi futuri: Idem A. B. ad tunc et ibidem iniuste cepit et habuit premanibus de prenominato D. E. viginti sex solidi in lucro, usura, et profuito; pro differendo & dando diem solutionis, sic ut prefertur, eandem 20. lib. a dicto primo die Octob. anni supradicti usque dictum 1. diem A. tunc prox' sequent', qui quidem viginti sex solidi (modo et forma p'd, pre manibus capti et habiti) multo excedunt & superant ratam & proportionem decem librarum pro centum lib' pro vno anno integro accommodat ad damnum non medio ere ipsi D. E. ac in contemptum dicti domini Reg' nunc, necnon contra formam diuersorum statutorum huiusmodi casu prouisi. & edit.

Another Indictment of the same effect upon the statute of Anno 37. Hen. 8. in which the Statute is recited.

Vitiores pro domina Regina present, quod cum p quendam actum in Parlamento dñe Regin' nunc apud West' in comit Middl' 2. die A. anno regni sui terdecimo, tenet edit in alia inactis fuit, quod quidam actus in Parliament dñi H. nup Reg. Ang' 8. apud West' p'dict anno regni sui xxxvij. tenet edit pro reformation' vsuræ ab et post xxv. diem Iunij prox' sequen' p'd secund' diem A. anno regni dicti domini Regin' nunc xij. supradicti reuiuat foret & staret in suo pleno rebore vigore & effectu, in quo quidem actu in Parlamento dicti nuper regis H. 8. An' regni sui 37. supradicto tenet, & edit, inactitat fuit autoritate eiusd' pliamen', q' nulla psona siue personæ, cuiuscunq; status, gradus, siue conditionis, ipse vel ipsi foret siue forent, ad aliquod tempus post vltimum diem Ianuarij in actu illo mencionat, per viâ siue medium aliquarum corruptarum barganiz, accommodationis, excambij, cheufancie, cautele, siue interesse, aliquar' marchandizæ, mercium, aut cuius alius rei, siue aliquarum aliarum rerum quarumcunque, aut per aliquam aliam corrupt' siue deceptiuam viam vel medium, aut per aliquam couinam, ingenium, siue deceptiuam viam, vel conuectiam, haberent, reciperent, acciperent, siue caperent, in lucro, vel profuito, pro differendo seu dando diem solutionis vnius anni integri, de & p eius vel eorum denarijs, vel alia re quæ foret debita pro eisdem mercibus, merchandis, siue alia re vel rebus, vltra summam decem librar' pro centum libris, & sic secundum ratam illam, & non vltra, de & pro maiore siue minore summa, seu pro longiore siue breuiore tempore, & non p' siue maioris lucrum vel summa inde habend', sub poena forisfaciendi

Secl. 237.

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endi & amittendi pro qualibet offens. triplum valorem mercium, mē-
chandizat, & alius rei vel rerum sic barganizat, vendit, excambiat, sine
accommodat, et ac etiam haberet & sufferet imprisonment corporis
sui, & faceret finem & redemptionem ad voluntatem dicti domini reg. de
qua quidem forisfactura triplicis valoris pred, vna medietas esset dict
dño Regi, & altera medietas illi vel illis qui pro eadem prosequerent in
aliqua curia, dicti nuper Regis de recordo, in qua facta nulla vadi-
atio legis, essonium, siue, pretio allocaretur, prout in eodem statuto de
anno 27. dicti nuper Reg. H. 8. supra d. plenius continetur: Cumque
etiam quidam R. B. de &c. post pd. 2. diem A. anno 13. dictæ domini reg.
nunc, supra d. scil. 23. die D. anno regni eiusdem domini reg. 21. apud L.
in com. E. pred, accommodasset euidam C. F. 4. li. idem R. B. statim pred
minime ponderans, nec poenam in eodem content. verens, ad tunc & ibi
dem recepit et habuit de pfat C. F. in lucro & proficuo pro differendo
& dando diem solutionis earundem 4. li. ab eodem 22. die D. anno 21.
suprad vsque 6. diem A. tunc proximi sequen viij. s. qui quidem viij. s. in
lucro & pficuo pro differendo & dando diem solutionis dictarum 4. li.
à pred 22. die D. anno 21. supra d. vsque pred 6. diem A. extunc proximi
sequen, excedunt ratam x. li. pro 100. li. p vno anno integro contra for-
mam & effectum statuti pred, ad graue damnum ipsius C. F. &c.

*An Indictment against one occupying a Plover-land in the Parish for not com-
mencing at the dates appointed by the Surveyors of the high waies, to help to
amend the high waies within the parish.*

Sect. 218.

I Vrat pro domina Reg. present, qd vbi die Martis in sepius P. iam vi-
timo preterito, scz. 7. die mensis A. anno regni dictæ domine nostræ E-
lizab. Dei gratia Ang. Fr. & Hyb. Reg. fidei defensoris &c. 34. A. B. tunc
Constabularius villæ de C. in dict com. E. &c. & D. E. & F. G. tum ga-
diani ecclesiæ parochialis de C. pred in comitatu E. pred existentes, vo-
catis ad semetipsum alijs parochianis dictæ parochiæ de C. tunc & ibidem
elegerunt quosdam I. S. & R. N. duas honest. eiusdem parochiæ per-
sonas in superuifores pro anno integro tunc proximi sequen, pro emē-
datione & reparat. altarum regiarum viarum infra dict. parochiā de
C. ducentium à villis mercatorijs ad vill. mercatorias: Ac etiam tunc
ibid. nominauerunt & appunctuauerunt sex dies, viz. 1. 2. 3. 4. 5. & 6. diem
mensis Maij tunc proximi sequentis pro dicta emendatione dictarum
viar. & nominat. pro emendatione illius viæ regie ibidem, quæ est inter
&c. & quæ de eisdem sex dieb. sic per eos, vt prefertur, nominat. et appū-
ctuat. dederunt palam postea (scz. die dominic. dict. Pasch. tunc pro-
ximi sequen) publicam noticiam in dicta eccl. parochiali. Quidam tamē
T. W. tum & ad tunc parochianus de C. pred in comitatu E. predict es-
sens.

existens, ac tunc habens & occup in dicta paroch' de C. in comit E. p-
dict', vnam integram carucatam terræ arabilis (Anglic' dict' a plough,
land) ad nullum dictor' 1. 2. 3. 4. 5. 6. dierum dicti mensis Maij anno su-
pra', prout inuenit aut misit currū instructum (Anglicè dict' a waine,
carta turnished) equis, bobus, aut alijs animalibus, & necessarijs instru-
mentis, secund' morem patriæ ibid' : nec vll'os hábiles homines, erga e-
mendationem & réparation' dictarum viarum, aut earum aliquam inde
parcelam, sed inde tunc ibidem voluntariè fecit defaltam, in dictæ do-
mini reginæ contemptum, ac contra formam diuersorum statutorum
in huiusmodi casu prouisi & editi.

*An Indictment against a Towne for not keeping watch according to the Sta-
tute of Winchester, Anno 13. Ed. 1.*

Viresores pro domini regina presentant, quod à decimo die Iulij, anñ Sect. 219
reg' dictæ dñæ n'ræ Eliz. Dei gratia Angliæ, &c. 35. vsque vltimā di-
em mensis Aug' anñ supra', homines & inhabitantes villæ de C. in comit
E. nullas vigilias à solis occasu vsq; ad solis ortum, in dicta villa de C. in
comit E. præd', per aliquot homines, fecerunt, aut custod', prout de iure
& antiqua consuetudine huius regni Angliæ facere debent & solebant:
In dict' dñæ reginæ nunc contemptum, ac contra formam cuiusdam sta-
tuti in parlamento dñi Ed. olim regis Angl' primi, apud Winton, anno
regni sui 13. tento, in huiusmodi casu prouisi & editi.

*An Indictment against the inhabitants of a hundred, for not keeping sea
watch at Sandgate, according to the statute of Anno 5. Ed. 4.*

Viresores pro domini regini presentant, quod vbi homin' & inhabitantes hun- Sect. 220.
dredi de F. in comit M. præd', antiquitus (viz. ante annum regni domini
H. nuper regis Angliæ quarti quintum) quasdam maritimas & minu-
tas vigilias (Anglice voc' *Sea watch*) tempore belli per costeram maris
in quodam loco (vocato *Sandgate*) in dicto comitatu M. per quatuor
homines singulis noctibus (à tempore in cuius contrarium memoria
hominum tunc non existerat) custodire debebant & solebant: dicti ta-
men hundredi de F. homines & inhabitantes tunc, tempore nuper bel-
li, viz. à 24. die Iulij, anno regni dictæ dñæ n'ræ Eliz', Dei gratia &c.
30. vsque 34. diem dicti mensis Iulij, anno supra', præd' vigilias apud
Sandgate præd', modo & forma præd', facere & custodire voluntariè
pretermiserunt & neglexerunt, ac in eisdem vigilijs tunc ibidem (sic
ut præfertur faciendis ac custod') voluntariè fecerunt defaltam: In
dicto domini reginæ contemptum, ac huius regni sui Angliæ discrimen
non modicum, ac contra formam statuti in parlamento dicti domini
Henrici nuper regis Angliæ quart' cent', anno regni sui quint' præd', in
huiusmodi casu prouisi & editi.

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For killing a man by witchcraft upon the statute of Anno 5. of the Queens.

Se^{ct}. 221.

I Vra^s p^{re}s^{en}tant pro domina regina, quod S. B. de C. in comit^u H. vidua, x. die Augⁱ, Anno regni d^{omi}nⁱ n^{ost}ri Eliz^e, Dei gratia, Angl^e &c. tric^{esimo} quarto, ac diuersis alijs diebus post dict^u x. diem, quasdam artes detestandas Angl^{ic}e voc^{at} *witchcraft and sozterrie*, nequiter et felonice practicauit et exercuit apud C. p^{re}d^{ic}t^u, in com^{it} H. p^{re}d^{ic}t^u, in super, et cont^{ra} quendam I. N. de C. p^{re}d^{ic}t^u in dicto com^{it} H. Labo^{re}t, per quas quid^e artes dict^u I. N. a p^{re}d^{ic}t^u x. die Augⁱ, ann^o 34. sup^{ra}d^{ic}t^u vsq^{ue} 24. diem p^{re}d^{ic}t^u mensis Augⁱ anno 34. sup^{ra}d^{ic}t^u, periculofissim^e ac mortaliter a^grotabat et langu^{eb}at, Ac eodem 24. die Augⁱ anno sup^{ra}d^{ic}t^u idem I. N. per artes p^{re}d^{ic}t^u in dicto com^{it} H. obiit. Et sic iuratores p^{re}d^{ic}t^u p^{re}s^{en}tant, quod eadem Sara ipsum I. N. apud C. p^{re}d^{ic}t^u, modo & forma sup^{ra}d^{ic}t^u, ex malicia sua p^{re}cogitata, voluntari^e, diabolic^e, nequiter, & felonice per artes p^{re}d^{ic}t^u, occidit ac interfecit, contra pacem dict^u d^{omi}nⁱ regin^e n^{ost}re, ac contra formam statuti in parlamento dict^u d^{omi}nⁱ regin^e n^{ost}re (ten^{to} apud West^{monasterium} in com^{it} Midd^{lesex}, anno regni sui p^{re}d^{ic}t^u quinf^{to}) in huiusmodi casu p^{ro}u^{is}i ac e^{ss}e^{nt}i.

The like Indictment.

Se^{ct}. 222

I Nquiratur pro domin^o reg^{is}, si Marg^{aret} L. de A. in com^{it} E. Spinster, 24. die Iuⁿⁱ, ann^o regni d^{omi}nⁱ n^{ost}ri Eliz^e. xv. ac diuersis alijs diebus & vicibus, tam antea quam postea, Deum p^{re} oculis suis non habens, sed instigat^u one diabolⁱ seduct^u, quasdam malas diabolⁱ artes, Angl^{ic}e voc^{at} *Witchcrafts, Inchantments, Charmes, and Sozterries*, nequiter diabolic^e et felonⁱ apud H. p^{re}d^{ic}t^u, in com^{it} E. p^{re}d^{ic}t^u, ex malicia sua p^{re}cogitata vsa fuit, practicauit, & exercuit, in & super quendam W. N. p^{re}textu cuius p^{re}d^{ic}t^u W. a p^{re}d^{ic}t^u 24. die Iuⁿⁱ anno sup^{ra}d^{ic}t^u vsq^{ue} 24. diem Dec^{embris} anno regni dict^u d^{omi}nⁱ regin^e Eli. &c. 35. p^{re}d^{ic}t^u langu^{eb}at, quo quidem 24. die Dec^{embris} sup^{ra}d^{ic}t^u, p^{re}d^{ic}t^u W. ratione p^{re}acticationis & exercit^u diabolic^e artium p^{re}d^{ic}t^u, apud H. p^{re}d^{ic}t^u in com^{it} E. p^{re}d^{ic}t^u, obiit. Et sic p^{re}d^{ic}t^u M^{ag}ist^{er} W. apud H. p^{re}d^{ic}t^u, in com^{it} E. p^{re}d^{ic}t^u modo & forma sup^{ra}d^{ic}t^u, & ex malicia sua p^{re}cogitat^u interf^{ecit}. contra pacem dict^u d^{omi}nⁱ regin^e, & contra formam statuti &c.

For bewitching a Horse, whereby he wasted and became worse.

Se^{ct}. 223.

I Nquir^{itur} pro domina regina si Sara B. de C. in com^{itatu} Eb. vidua, 20. die Augustⁱ anno regni dict^u d^{omi}nⁱ n^{ost}ri Eliz^e. &c. 34. quasdam artes nequissimas (Angl^{ic}e vocatas *Inchantments and Charmes*) apud C. p^{re}d^{ic}t^u in com^{itatu} E. p^{re}d^{ic}t^u, malici^{ose}, & diabolic^e, in, super, & contra quendam equum, coloris albi, precij 4. li. de bonis & catallis quendam I. S. de C. p^{re}d^{ic}t^u in dicto com^{it} E. gener^e existentem, exercuit, & p^{re}acticauit.

cauit. Per quod ijdem equus dicti I.S.xx.die præd apud C. præd omni-
no pioratus est, et vastatus: contra pacem dictæ domine Reg. & con-
formam statuti in eiusmodi casu prouisac editi.

*For taking away of a widow, and marrying of her against her will contrary
to the statute of Anno. 3.H.7.*

[Vras presentant pro domina Regina q̄ A.B. de C. in dicto comitat E. Sect. 224.
Bingingman, 2. die Aprilis, Ann reg. dicti dominæ nre Elizab. &c.
35. vi et armis in domum mansional' cuiusd' H.B. de C. præd' in com E.
præd' vidue infra parochiam de C. præd' in com E. præd' intrauit, (quæ
quidem H.B. tunc seiscita fuit in dominico suo vi de feodo, de et in di-
uersis terris & tenementis in C. præd', in com E. præd', clari annui valo-
ris 10. li. vltra omnes reprints existentibus) ac immediatè postea, viz.
dicto 2. die Aprilis, anno supradicti idem A.B. præd' H. B. tunc ibidè
in dicta domo sua in pace dei, ac dictæ domini Regi existenter ex
dicta domo sua mansionali contra voluntatem ipsius H. B. illegitime
ac felonice extraxit, eripuit, et abduxit, ac eadè H.B. postea (scilicet
3. die dicti mensis Aprilis anno supradicti) in ecclesiâ parochiali de C. præd'
in com E. præd', cepit in vxorem suam: vbi ijdem A. B. dicto tempore
extractionis & abductionis præd', non clamauit, nec clamare potuit, can-
dem H. B. tanquam Wardam suam, aut tanquam Natiuam suam: in
magnam pacis dictæ domi Reg' nunc perturbatioh, ac contra formam
cuiusd' Statuti in Parlamento Domi Hen nuper Regis Angl' septimi,
tento, Anno regni sui tertio, in hñdi casu, prouisac editi.

An Indictment for Burglarie by night.

[Vratores presentant pro domina Regi q̄ E.D. nup de &c. 2. die I. &c. Sect. 225.
vi et armis &c. domum mansional' R.H. apud E. in com præd' circiter
horam vndecimam in nocte eiusdem diei adtunc & ibidem felonice &
burglariter fregit contra pacem dictæ domi &c.

An Indictment for Stealing a Hog in a common.

[Vras present' p̄ domina Regiñ, q̄ F.B. de C. quarto &c. Febr' &c. vi Sect. 226.
Ietaru &c. in quandam commun' intra nouā Forestā voc' H. intra p-
oc' de C. in C. præd' fregit & intrauit & vnū porcum color' red speckle,
precij 12. d', de bonis & catallis B.D. adtunc & ibidè inuenit felon' cepit
& effugauit contra pacem dicti domi Reg. &c.

*An Indictment for a wilfull escape of a Prisoner committed for felonie to a
Constable to bee brought to the common Gaole, an La Knight who is no
Iustice*

Indictments and

Iustice of peace commanded the said constable to bring the Prisoner before him, by reason whereof the said prisoner did escape.

Sect. 227. **I** Vratores presentant p domina Regina, q cum I.D. nuper de &c. p diuersis felonijis per ipsum ppetrat & p eisdem felonijis coram A. B. arm' vno Iusticiari dict' dñe Reginz ad pacem Constabular dict' domine Reg' * concordat fuerit, & p eundē A. B. sub Custod' pradi co. stabular' pro feloniam pred' ad generalem gaolam dict' domine reg' in com' pred' commissi. fuit, ibidem saluo custodiend' quousq; secund' legem & consuetud' huius regni Angl' deliberaretur. Et W.P. de &c. Miles non existens Iustici' dict' dñe reg. ad pacem in com' pd' missi & precepit quendam I.N. de &c. Constabular' &c. ad ducendum pd' I. D. cor' ipso.

An Indictment for stealing Sheepe.

Sect. 228. **I** Vt present &c. qd' A.B.&c. quarto die &c. vi et armis, viz. &c. clausum T. G. de &c. fregit & intrauit & duas oues matrices coloris nigri precij 7 s. de bonis & catallis dicti T. G. felonice cepit abduxit & asportauit contra pacem &c.

An Indictment against one for breaking of a house, and murdering of one with a Cudgell in his bed by priuie and consent of the wife of the murdered.

Sect. 229 **I** Vt p'sent q &c. Ed. nup de E. &c. circa horam duodec' in nocte eiuid' dici, deum coram oculis non habens sed ex malitia sua precogit, vi & arm', viz. &c. domum R. P. apud C. in com' pd' felon' & burglaris fregit & intrauit, et in pres' R. P. adtunc et ibid' nudū in lecto suo iacentem inultum & affratum fecit, & eum cum vno baculo valoris xij. d. vocat a Cudgell; eundem R. P. super caput suum vsq; ad cerebr', adtunc & ibidem felonice percussit dans ei plagam mortali: de qua quidem plaga mortali idem R. P. adtunc & ibidem instanter moriebat. Et sic idem E. L. eundem R. P. adtunc et ibid' interfecit et murderauit, contra pacem dict' dñe reg'. Et q' quedam Agnes P. nuper de &c. Spinster vxor pd' R. P. tertio die Iunij An. &c. ac diuers' diebus antea & postea eundem diem & antefeloniam & murderum pd' in forma pd' apud W. pd' in C. pd' pref. E. L. ad feloniam et murderum pd' fac' & perpetrand' felonie' procur' et abbet', contra pacem dict' dñe reg'. Et etiam quod eadem A. P. sciens pref. Ed. feloniam et murderum pd' in form' pred' fecisse et perpetrasse E. L. pd' tertie die Iunij Anno &c. apud W. pradi in C. pd' felonice recepit & confortauit, contra pacem dict' dñe reginz.

An Indictment of Manslaughter.

[Vratores presentant &c. pro dña Regina, quod A.B. &c. octauo die Sect. 230.
I. vi & armis, viz. &c. in Iohān P. apud B. p̄d in pace Dei & dñe Re-
gin' existent' insultum & affrayam fecit cum manu sua dextra p̄zaf I. P.
in capite suo felon' ad tunc & ibidem percussit dans ei plagam mortale,
de qua quidem plaga p̄d I. P. ad tunc & ibidem incontinenter obiit &
sic idem A.B. p̄zaf I. B. ad tunc & ibid felonice interfecit & mīdrā-
uit, contra pacem dictæ dom̄ reginæ.

*An Indictment for using more artes than one upon the Statute of Anno
tertio of Ed. 3.*

[Inquiratur pro domina Regina, quod cum in statuto in parlamento Sect. 231
domini E. nuper regis Angliæ tertij post conquestum, anno regni sui
tertio tenet inter cetera ordinat' sit & statut', Quod artificiarij & gentes
occupationem habentes & quilibet eorum ad suam rem seu occupati-
onem se teneat, & quod nullus exerceat aliam artem seu occupationem
nisi tamen eam quam elegit: Et si aliquis in contrarium fecerit per im-
prisonament' corporis sui per spacium duorum annorum puniatur & vl-
terius finem & redemptionem domino regi fac' prout in eodem statuto
plenius continetur: Si A.B. de C. in com' N. Baker, alias dictus A.B. de
Can com' N. p̄dicti q̄d illic, Statut' p̄d minime ponderans nec penā
in eodem statuto content' verens, a secundo die Iulij, anno regni Henrici
octau' &c. vsque quartum diem Apr' anno vicesimo tertio domini re-
gis suprad' tam artem molendinarij quam artem pistoris panis humani
apud C. p̄zaf' continue exercebat in dicti domini Regis contemptum,
& contra formam statuti p̄zaf'.

An Indictment for regrating of corne.

[Inquiratur &c. si R.L. nuper de T. in com' L. yeoman, & H.D. nuper Sect. 232.
de N. in com' p̄zaf' yeoman, vicesimo die Iulij Anno &c. apud B. & T.
in com' p̄d emerunt & regratauerunt de T. S. R. R. & alijs ligeis dom'
regis 50. quarteria frumenti precij 2 s. li. cent' quart' hordei precij 2 s. li.
& al' frument' & hord' in domibus mansionibus siue vt regratores mer-
cati dicti domini regis accumulauer' & custodiuer', ea intentione vt fru-
mentum, hord', & alia grana sub suis custodijs ad suum libitum expone-
re & vendere potuerunt, ob quod grana in mercat' & villis comitat' p̄-
dicti multipliciter cariora & rariora forent in graue dampnum populi do-
mini regis in eodem comitatu commorant', & in contemptum Domini
Regis, ac contra formam statuti in huiusmodi casu edit' & p̄ouis. &c.

Indictments and

An Indictment for a robbery done by the high way upon the person of one.

Sect. 233. **I**Nrator presentant &c. q' vbi I. B. de L. gener' xij. die &c. anno &c. fuit in pace Dei & dicti domini Regis in Regia via apud parochiam sancti E. in campis in comitatu M. ibidem eisdem die & anno venerit I. M. de D. in comitatu M. peoman, & R. H. de eadem in comitatu p'd peoman, laici homines & non infra sacros ordines subdiaconi nec ultra existen' felonice vt felones dicti domini regis in p'ædict' I. B. insuleum fecerunt & ipsum verberauerunt, vulnerauerunt, & maletractauerunt. Ita qd de vita eius desperabatur ac viginti solidi in pecunijs numeratis de bonis & catallis ipsius I. B. ad tunc & ibidem inuenti & existen' felonice ceper' & asport', contra pacem dicti domini regis, ac contra formam statuti eiusdem domini regis, anno regni sui 22. & dñi & p'roui.

An Indictment for Burglary in a dwelling house, for putting the household in feare, and for the taking away of twenty pounds in money.

Sect. 234. **I**Nquiratur &c. si I. M. de D. in com' M. peoman, laicus homo & non infra sacras ordines Subdiaconum nec ultra existen' duodecimo die &c. Anno &c. vi & armis, viz. gladijs, cultellis, & dagorij domum & manorium R. V. apud I. in dicto com' M. scituat & existen' eodem R. V. & A. vxore eius & alijs seruient' suis in eadem domo & manorio ad tunc & ibidem existen' felonice fregit & intrauit, ac in timore corporali posuit & viginti libras in pecunijs numeratis de bonis catallis & denarijs ipsius R. V. ad tunc & ibidem inuenti felonice ceperit, spoliavit, & asportauit contra pacem dicti domini regis, ac contra formam statuti eiusdem domini regis, anno regni sui 23. & dñi & p'rouifi.

An Indictment for Murder ex propensa malicia fact'.

Sect. 235. **I**Nquiratur pro domino rege, si I. D. de D. in com' p'æd peoman, laicus homo &c. vi & armis, ac ex sua malicia p'æcogitata in W. H. ad tunc & ibidem in pace Dei & domini regis nunc existen' insuleum fecit & cum vno gladio, precij xij. d. quem idem I. in manibus suis ad tunc & ibidem tenuit p'æf. W. G. felonice percussit, & dedit ei tunc & ibidem super caput suum vsque cerebrum vnain plagam mortalem de qua quidem plaga mortali idem W. H. ad tunc & ibidem instanter moriebatur. Et sic idem I. D. p'æf. W. H. modo & forma p'æd felonice, interfecit & murtherauit contra pacem dicti domini Regis coronam & dignitatem suam, & contra formam statuti de Anno 23. regis Henrici octau'i nuper & dñi & p'rouifi. &c.

An Indictment for robbing of a Church of diuers and several things in the same.

Inquiratur &c. si I.M. nup de D. in com' M. & R.H. nuper de eadem Sect. 236
villa & com' p'd **yeomen**, laici hominū, & non infra sacros ordi'n subdi-
acon vel ultra existent 13. die Maij anno &c. vi & armis, viz. gladijs, ba-
culis & cultellis eccles. pochial' o'ium sanct' de E. apud E. in com' p'd cir-
ca hor' 12. in nocte eiuld' diei felon' freger & intrauer, & duas calices de
argent' deaurat', & duo vestiment' de nig' veluet, voc' **Copes**, tres pannos
lineos voc' **Altar clothes**, vnam tunic' fixā super imāg' beate Mar' infra
eandē ecclesiā cū diuersis annulis de auro & lapid' p'ciosis in' eisdē an-
nex' & assignat' de valenc' 20. li. ac 20. s. in pecū numerat' de bonis orna-
mentis & den' pochian' de E. p'd in custod' Lo. B. & T. B. custod' & gardia-
nor, bonor' ornamentor' & denat' pochianor' pochiaz de E. p'd, & tunc et
ibi' existē ext' custod' dictor' gardianor' ext' eccles. p'd ad tunc & ibi-
dem felon' furati sunt ceper & alportauer' contra pac' dicti dñi regis, ac
contra formā statuti eiuld' dñi regis anno regni sui 23. edit' & prouul'

*An Indictment against one being a man of euill behauiour, for keeping of a
blinde Tauerne without a signe, and for receiuing and lodging of lewde
persons, and that his wife is a common scold.*

Inquiratur &c. si I.S. nuper de C. in com' N. **Laborer**, est homo male Sect. 237
conuersationis & gubernationis ac communis barrestator & pacis do-
mini regis perturbator. Et quod idem I.S. apud C. prae'd in com' prae'd
custodit, tenet, & occupat quandam domum siue Tauername non habē-
tem visuale signum apertē expōsit vulgariter dict' a blinde **Tauerne**. Et
quod primo die &c. Anno &c. nec non diuersis diebus & noctibus an-
tea & postea in eandem domum diuersos homines malae conuersationis
& suspect' veniē omnib' horis tam noctis quam diei recepit & hospi-
tāz est per quā vicini sui & alij ligei populi dicti domini regis ibidem
multipliciter vexantur inquietantur & grauantur, & ministri domini re-
gis propter pacis conseruacion' officia sua ibidem exercen' & exequen'
prohibentur & tē penumero in periculo amissionis vitae & lesion' cor-
por' suorum quotidie ponuntur. Et quod I.S. vxor prae'd I.S. est com-
munis abiurgatrix tam cum vicinis quam cum alijs ligeis populi dicti
domini regis, per quod multipliciter molestant' inquietant' & grauant'
contra pacem dicti domini Regis.

An Indictment for selling Ale in vessels called kilderkins.

Vratores praesentant, quod I.R. de noua C. in comit' A. pandoxator Sect. 238.
& A.I. de eadem C. prae'dict' **Bēte seller**, sunt communes pandoxa-
S. j. tores

Indictments and

tores in C. præd & decimo die &c. anno &c. ac diuersis vicibus antea & postea vendideret ceruisiam, & ceruisiā per diuersa vasa voc^t *Wiltberkins* tam magna quam parua contra formam statutorum inde & diū ad graue damnum populi domini regis &c.

An Indictment of a Priest for keeping of a Concubine.

Secl. 239.

Inquiratur pro domino rege, si H. R. nuper de K. in com W. Clericus primo die Decembr̄, anno regni Regis Henrici octauī 22. vi & annis, Deum præ oculis suis non habens, nec legem Dei & dñi regis timens, et ordinem sacerdotalē nihil regardans, tanquam ribaldus & luxuriosus et riotosē sicut transgressor malefactor & pacis dñi regis perturbator irregulariter & extra legis morem & honestam vitæ virtuosæ & sacerdotiæ dignitatē seipso vtens apud K. p̄d in comitatē p̄d hospitium illicitum leuauit & custodiuit, & quandam A. B. mulierem defamat & stuprosam publicē & notoriē custodiuit, occupauit, & habuit, & ipsam A. B. a p̄d primo die Decembr̄, anno supradicto aduinc & ibidem continuand et adhuc quotidie & nocturnim manifeste et aperte custodiuit, occupauit, et habet in communi stupro leuocinum in maximum periculosum exemplum aliorum malefactorum contra pacem dicti dñi regis &c.

An Indictment for not coming to the Church, upon the statute of Anno 1. Elizab.

Secl. 240.

Iuratores pro domin' reg' presentant: qđ cum p̄ statutū in parlamento dñe Eli. Dei gratia &c. anno regni sui primo tenet apud W. in com M. inf alia inactitatē & ordinatē existit, qđ post festum S. Ioh. Baptiste anno regni dictæ dñæ reg' primo, omnis & omnimod' person' & pson inhabitantē in hoc regno Angl' vel alibi infra dominationē dict' dñæ regin' diligēter & credulenter habentes nullam legalē seu rationabilē excusationē ahessendi niterent semet ipsos adire ad suā pochia' eccle' vel chapelam consuet' vel super rationabil' impedimentum ad aliquē vsitat' locū vbi cōmunes p̄cationes & diuina seruitia dici vtent' tempore talis impediment' sup quēlibet diē dñicū & alijs dieb' ordinat' & vsitatis obseruari durat tēpore cōmū p̄cat' p̄dicationē aut alior' diuinor' seruitiorū vtend' & ministrand' sub poenā punitionis p̄ censuras ecclesie & etiam sub poenā qđ quālibet persona sic offendens forisfaciat pro qualibet tali offens. 12. denar' leuand' p̄ gardiā eccle. pochia' vbi tale offensum foret fact' ad vsuū pauperum inhabitantū eiusd' pochie de bonis terr' & tenementis talis offenderet, prout in statuto p̄d continet: Cumq; T. R. de D. in com p̄d aī, & A. vxor eius existent' de pochia eccle. pochia' de T. p̄z d' infra quam quidem eccle. cōmunes p̄cationes & alia diuina seruitia in statu p̄d

p̄specificat post pred' festū Natiuitat' S. Iohan. Baptiste an. primo supradict' scz. die dñica p̄xime post festū S. Mich' Archangeli An. reg. &c. & 12. dieb' dñicis tunc prox' sequen' & octo alijs dieb' festiualib' eisd' 12. dies dñicas interueniēt dicebant et utebant p̄d' T. & A. non habentes legalem et rationabilem excusation' seu impedimēt abessend' ab ecclia pred' in dieb' p̄d' tēpor' p̄d' cōmuniū p̄cation' et diuinor' seruicior' ibid' tūc dict' habet et ministrat non solū nō nitebāts semetipsos adire ad ecclia existent eorum ecclia consue't in pred' die dñica p̄xim' post festū S. Mich. Archangeli, an. reg' &c. supradict' et pred' alijs 12. dieb' dñicis tūc p̄x' sequen' et p̄d' alijs octo dieb' festiualib' eisd' diebus dñicas interuenient tempore p̄d' cōmuniū p̄cation' et diuinor' seruicior' ibid' in diebus illis dict' habet et ministrat, sed etiā odientes & cōtēnentes Euang' et salubre dei verbum, & dictā dñā Reginam & leges suas se ipsos voluntarie absentauerunt & vterq; eorum voluntarie se ipsum absentauit ab ecclia p̄d' die dominica p̄xim' post festum Sancti Michaelis Archangelii anno &c. supradict' & p̄d' alijs duodecim diebus dñicis tunc p̄xim' sequen', & p̄d' alijs octo diebus festiualibus eisdem duodecim dies dominicas interuenient tempore pred' cōmuniū p̄cationum & diuinor' seruicior' ibidem in diebus dict' habet & ministrat contra pacem & in contēpt' dict' dominæ regin' nunc et legum suarum, contra coron' & dignitat' suas ac contra formam statuti p̄dicti & in perniciosum exemplum aliorum malefact'.

An Indictment for perjury, committed in an answer in the Exchequer at Chester.

Iuxta presens pro domina Reg. q. cum I. D. de E. in corā C. gen' Sect. 241.
in corā dñæ regin' Scaccarij sui Cestri corā R. comite Leic' camerar' suo Cestri apud Cestri in corā C. post duodecimam diē &c. Anni &c. exhibuisset quandam billam petitionis versus quendam R. W. nup de T. in corā p̄dict' ap̄tiner, de & super iniust' recuperationem 36 s. deb' p̄ ipsum R. vers' p̄d' I. D. existent vad' & pleg' cuiusd' W. H. in cuius manerij sue domini de H. infra ducat Lanc' et iij. s. & d. custag' circa eandem festum ibidem iniuste recuperat per dictum R. idem R. in responsione sua in dicta curia Scaccarij p̄d' ad petitionem p̄d' sup' sacramentū suū cap' dixit affirmavit & iuravit hæc verba Anglicana sequen' vel in effectu similia. And for nonpayment of the residue of the summe of 47 s. being as it should seeme by the said R. W. s. own confession in the same answer, of the receite of 36 s. this defend. long after tōmencin his action of debt against the now plaintife in the free court of H. ubi dictus W. H. diu ante persoluisset dict' R. summa 48 s. Ita quod nihil remansit illo soluend': Et sic p̄fata R. in faciendū & confirmand' falsum

S. ij.

falsum

Indictments and

falsū respōsū p̄d, in ea pte p̄d die M. ann̄ &c. volunt & corrupt̄ cōmiser̄
volūtāt̄ piuriam in illo cōtēnt̄ & cōtr̄ for̄m̄ statuti inde ædū & p̄uī,
&c. ac contra pacē &c.

An Indictment for fishing in a mill pond waters, with hooks & other engines.

Sec̄t. 242.

Inquiratur p̄ dñā Reg. s̄ T. W. de M. in cōm̄ p̄d **L**abozet, & H. I. de
W. in cōm̄ p̄d **T**aylor, &c. 14. die April, ann̄ &c. ac diūsis tēpōr̄ an-
te p̄d diē & postea apud H. p̄d in cōm̄ p̄d vi & armis in vno stagno i-
bid̄ voc̄ **W. Spilnepole** libet tēnt̄ R. D. gen̄ cū hamis & alijs engin̄ pisc̄
& diūfos pisc̄ cep̄t̄ ad graue dam̄n̄ p̄d R. D. ac cōtr̄ pacē &c.

*An Indictment where one is indicted as principall actor, & one other for being
present, & for abetting, procuring, & comforting of the murderer to do
the same.*

Sec̄t. 243.

Inquir̄ p̄ dñā reg. I. G. alias G. nuper de &c. xv. die &c. apud H. in
ccm̄ p̄d vi & armis, viz. baculis &c. felon̄ vt felon̄ dict̄ dñē reg. ac ex
malitiā sua p̄cogit̄ in quēd̄ I. O. alias D. apud H. p̄d adtūc̄ & ibid̄ in pa-
ce dei & dict̄ dñē reg. exist̄ insult̄ fecer̄. Et p̄d I. G. alias G. quod fal-
cast̄ angl̄ a **foze bill**, p̄cij 4. d. q̄ id̄ I. G. in man̄ suis tūc̄ & ibid̄ tene-
bat dict̄ I. O. alias D. apud H. p̄d ex malitia sua p̄cogit̄ sup̄ sinistr̄ p̄c̄
capitis sui p̄cussit vsq; ad cerebr̄ dās eid̄ I. O. alias D. vnā plaḡ mortal̄,
de qua quid̄ plaga mortali p̄d I. O. a p̄d xv. die Martij an̄ suprad̄ vsq;
ad xxi. diē eiusd̄ Martij, an̄ p̄d lāguid̄ iacebat, quo quid̄ 21. die Martij
p̄d I. O. alias D. apud H. p̄d obiit. Et sic p̄d I. G. alias G. die & an̄ p̄d a-
pud H. p̄d ex malitiā sua p̄coḡ felon̄ int̄fec̄ & m̄dr̄ cōtr̄ pacē dict̄ dñē
reg. coron̄ & dignit̄ suas. Et q̄ p̄d W. G. alias G. die et an̄ p̄d apud H. fe-
lon̄ p̄d fuit p̄lēs & vt fel̄ dict̄ dñē reg. abettān̄ p̄cur̄ & cōfort̄ & cū p̄d
I. G. alias G. die & an̄ p̄d in for̄m̄ p̄d fact̄ vi & armis ac cōtr̄ pacē dict̄
dñē reg. coron̄ & dignit̄ suas &c.

An Indictment of murder.

Sec̄t. 244

Inquiratur pro dñā Regiā, s̄ T. H. nup̄ de E. in cōm̄ **C**hester **L**abozet,
vicefimo die &c. circa horā sext̄ post meridiē eiusd̄ dici apud T. p̄d
in cōm̄ C. p̄d vt felo dict̄ dñē reg. ex malitia sua p̄cogit̄ & de insult̄
p̄meditat̄ vi & armis quēd̄ R. B. nup̄ de T. p̄d in cōm̄ p̄d **P**remā
adtūc̄ & ibid̄ in pace dei & dict̄ dom̄ reg. existē insult̄ fec̄ & cū quo
dā baculo, Anglice voc̄ a **pihed staffe**, p̄cij 4. d. q̄ ipse in manib̄ suis
adtunc et ibid̄ tenuit p̄d R. B. sup̄ caput suū felon̄ p̄cussit dans ei ad-
tunc et ibid̄ vnā plaḡ mortal̄ longitud̄ duor̄ polliciu in sinistr̄ parte
capitis sui vsq; ad cerebr̄, de qua quid̄ plaga mortali p̄d R. B. lāguid̄
iacebat vsque ad &c. extunt̄ prōxim̄ sequē: Quo quid̄ 19. die Ianu.
Ann̄ &c. idem R. B. apud T. p̄d in cōm̄ p̄d ex ipsa plaga ei dat̄ modo

& forma præd moriebat, & sic idē T. H. vt felo dictæ dñe reg' p'd R. B. felon interfecit & murt' cont' pac' dict' dñe reg' coron et dignit' suas.

An Indictment of Burglary by a woman in the night time, putting the household in feare, intending to haue robbed them.

[Inquiratur pro domina regina, si O. I. de G. in com' C. Spintser, sept die Apr anno &c. apud C. p'd in com' p'd noctanter, viz. circa horam vndecimam post meridi' eiusdē diei domū cuiusdā I. B. apud C. p'd vi & armis &c. felon' ac burglariter fregit & intrauit, ea intentione ad furād bona & catalla ipsi' I. ac eund' I. in pace Dei & dict' dñe regine adtune & ibidem in lecto suo existentē felonice & burglariter in timore vit' suæ posuit contra pacem dictæ domine regin' coron & dignitat' suas. Sect. 245.]

An Indictment for trespasse done in a corne field.

[Vratores presentant &c. qd' W. C. nup de T. in com' p'd Labozer, T. Sect. 246. P. &c. tercio die &c. anno &c. vi & armis clausum I. N. apud S. in com' p'd in quodā campo voc' S. field fregerunt & intrauer' & tres quarterios trumenti ipsius I. W. ad valenc' trium librar' adtunc & ibidem crescent cum quibuscūq' bigis siue carucis equis & pedibus suis ambuland' conculcauerunt & consumpser'. Et alia enormia ei intuler' contra pacem &c.]

An Indictment of manslaughter before the Coroner of the Verge, for the death of a man, upon the view of the dead body.

[Inquisitio cap't apud W. L. in comitatu Surrey infra virgam 22. die Maij, Anno &c. coram T. W. gen' Coronator' hospitij dictæ domine Regine super visum corporis I. B. nuper de W. L. in com' Surrey p'p' man, ibid' iacent' mortui & interfecti per sacramentum &c. Qui dicunt super sacramētum suum quod ita accidit qd' 19. die Maij, anñ &c. apud Southwarke in com' Surrey infra virgam p'd I. B. veniebat in quendam campum ibidem voc' S. Georges field circa horas 4. vel 5. post meridiē eiusdem diei, & quod postea dicto decimo nono die Maij, Anno &c. apud S. prædict' in comitatu Surrey prædict' infra virgam inter horas 5. & 6. post meridiem eiusdē dec' noni diei Maij R. L. nuper de West. in com' Midd' alias dict' R. L. de W. in com' Midd' p'soman, veniebat & intrabat in campum prædict' voc' &c. & ibidem videns & percipiē dictum I. B. tunc esse in campo illo, ambulabat in campo illo versus locum vbi p'dict' I. B. tunc ibidem fuit : Et p'dict' I. B. tunc & ibidem iacens super terram ac videns & percipiē dictam R. L. versus eum venientē a terra præd' ibid' surgit ac idem I. B. tunc & ibidem duos gladios voc' Kapiers in manus suas, viz. in quamlibet manum vnum gladiū. Et tunc & ibidem R. L. cepit vnum gladium de ferro & calibi ad valenc' quinque solidi ipsius R. L. in manum suam dextram, & vnum scutum in S. iij. manum

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manū suam finiftram, ad tunc & ibidem idem A. & R. infimul pugnauerunt cum gladijs suis p̄d, & sic pugnans idem I. ipsum R. tunc & ibid sup finiftrā cubā dīcti R. cū vno gladio fuo p̄d voc' **Capit̄** percussit et vulnerauit, virtute cuius p̄d R. ad terram ibid cecidit. Ac postea dīctus R. 19. die Maij anno p̄d apud S. p̄d in com' p̄d infra virgam p̄d subito surrexit & idē R. tunc & ibid cepit gladiū suū p̄d in manū suam dextrā ac vi & armis, viz. cū gladio suo p̄d quē ipse R. in manū suam dextrā tunc & ibid tenuit 19. die Maij, anno &c. apud S. in com' S. p̄d infra virgam in p̄d campo voc' &c. inter p̄d horas 5. & 6. post meridiem eiusdē 19. diei Maij, idem R. in ipsam I. B. tunc & ibidem existē in insulū fecit & tunc & ibid cum gladio illo quem ipse idem R. tunc et ibidem in manu sua dextra tenuit ipsum I. verberauit, ac gladium illum prād' R. tunc & ibid felonice & voluntarie in corpus dīcti I. percussit & imposuit dans eidem I. B. felonice & voluntarie cum gladio illo in ventre suo in & per corpus & dorsum dīcti I. vnam plag' mortālē profunditatē 14. polliciu & latitudinis duos pollicium, de qua quidā plaga mortali idem I. apud W. L. in com' S. infra virgam postea languebat à dīcto 19. die Maij, anno &c. vsque 20. diē dīcti mensis Maij tunc proxim' sequē. Quo quidā 20. die Maij idem I. B. apud W. p̄d in com' S. p̄d infra virgā inter horas 3. & 4. ante meridiem eiusdem vicēsimi diē dīcti mensis Maij anno &c. ex plaga mortali p̄d obiit. Et sic iuraf p̄d dicunt super sacramentum suum, Quod dīct' R. L. alias dīctus &c. dīcto 19. die Maij an' &c. apud S. prād' in com' p̄d infra virgam vi & armis, viz. cum gladio prād' quem idem R. L. alias dīct' R. L. in manu sua dextra tunc & ibid tenuit ipsum I. B. felonice & voluntarie percussit interfecit & murtherauit modo & forma p̄d contrā pacem dīctæ dom' regin', Coronā, & dignitatē suas: Et sic idem iuraf super sacramentū suum dicunt, qd prādīct I. B. modo & forma prād' ad mortē suam deuē, & non aliter nec alio modo. Et quæ bona catalla terræ & tenementa idem R. tempore felonix & murtheri prād' fact' habuit vel adhuc habet, idem iuraf penitus ignorant.

An Indictment where a felon suspected for stealing two oxen, is committed by a Justice of Peace unto the gaole, and is deliuered to two, to be conuerſed vnto the gaole, which suffer the felon wilfully to escape away.

Sec. 248.

Inquiratur &c. Quod cum quidam W. H. aſ vnu. Iustic' pacis dīcti dñi regis in com' p̄d 20. die &c. circa horam 10. in nocte eiusdem diē apud S. in com' prādīct, virtute officij sui & literaf patent' dīcti domini regis eid' W. direct', quendā I. nuper de &c. ad tunc et ibidem arrestauit & attachiauit pro suspitione felonix per ipsū I. ante fact' & perpetr', viz. pro duobus bob' coloris &c. precij &c. de bonis et catallis cuiusdā R. I. per p̄d I. felonice capf' & abduct'. Et postea eundem I. diē, an' hōr, &c.

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loco supradict' vt pred' est arrestat' pred' W. H. ad tunc et ibidem commissit & liberauit saluo custodiend' quibusd' I. B. & R. D. nuper de &c. in comit' &c. et specialiter requisit' fuerint ex parte dicti domini regis p' p'at' W. H. ad saluo et secur' custod' & conducend' ipsum I. B. vsq; gaol' ipsius dñi Regis com' p'd' ibid' morat' quousque per debitam legis formam exoneret et delibere, p'd' tamen I. et R. machinant' p'd' I. in felon' p' ipsum fact' fauorabiliter ipsum I. a custod' sua pred' qui sic detenebat ad tunc et ibid' felonice et voluntarie ad largum suum quo voluit felon' abire et euadere permisit contra pacem &c.

An Indictment where one is committed to prison to a Sericant at Mace by the Bayliffes of a towne, for resistance, disobeying, and disturbing them for doing of their office, escapeth out of prison, and goeth away out of the same.

Inquirat &c. Quod cum quidam D. E. de &c. die Martij, viz. quinto die &c. apud P. in com' pred' commissus fuit per R. I. gen' vnū balliuos villæ de P. p'd' et H. L. gen' deputat' I. B. gen' al' balliuos eiusd' villæ in gaolā siue prison' villæ p'd' p' quibusdam resistent', disobediens, et malefact' p' ipsum D. E. versus ipsum R. balliuū in executionē officij sui virtute literar' dñi regis eid' R. direct', ibid' moratur sub salua custod' M. vni' seruientiū ad clauē ad villā p'd' quousq; p'd' D. inde deliberaretur et dimissus esset p' debitam legis formam: si p'd' D. circa horā 12. in nocte eiusdem diei anno supradict' regn' Regis p'd' prison' in qua detent' fuit vt p'd' est ad tunc et ibid' malitiose et minus iuste fregit & ab huiusmodi prison' sine aliqua licentia euaserit et escapuit contra formam statuti dicti dñi regis ædit' & prouis. et contra pacem dictę dominę reginæ &c.

Sect. 249.

An Indictment of forcible entrie into a messuage, with the appurtenances, upon the Statute of 8. H. 6. against diuers persons wherein the Statute is not recited.

Inquit &c. Si A. B. & C. D. nuper de &c. assumptis et associat' eis alijs malefactorib' et pacis dñi reg. pturbatorib' modo guerriū arraiat' ad numerum 12. personar' quorum nomīn' presens Iurat' ignoratur decimo die &c. apud D. &c. vi & armis, viz. baculis gladijs cultellis falcastris lapid' et alijs armis defensiuis & inuasiuis in vnum messuagium cum pertinentiā super pacificam possessionē T. P. intrauit & dict' P. a possessione sua p'd' expulerunt & disseisuerunt et eundem T. sic expulsum et disseisum a p'd' messuagio cum pertinentiā vi et armis p'd' ac manu forti extorauerunt & adhuc extratenent contra pac' dicti dñi Reg. ac cōtra formā statuti domini Hen. nuper Reg. Angliæ 6. anno regni sui 8. inde ædit' et prouis.

Sect. 250.

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*An Indictment vpon the Statute of Ann. 5. Eliz. against such as use any my-
sterie or occupation, not being an apprentice to the same for 7. yeares.*

Sect. 251.

Iuratores presentant p dom' Regina, q cum in Parliament dominæ reginæ nunc tenet apud Westm 8. die Maij, Anno regni sui 5. inter alia stabilitatē fuit, quod post primum die Maij tunc proxime sequent non liceat alicui personæ siue personis erigere, occupare vti vel exercere aliquam artem myster siue occupationem ad tunc vsitat vel occupat in fra regnum Angl' vel Walliæ si non educat in eadem tanquam apprentic' perspaciū septem annor ad minus, nec alicui personæ opus tradere in huius mysterio arte siue occupatione, si non ead persona fuit apprentic' aut tunc fuit exercit in mysterio pred' tanquam apprentic' vepred' est, sub poena quod quælibet persona voluntarie offendens vel contrarium faciens foris faciat p qualibet tali default 40. s. pro quolibet mense put in statut pred' plenius liquet & apparet: quidam tamen I. S. statut pred' ac poenam in eodem content minime verens siue ponderans non existē apprentic' primo die Iulij anno 5. supradicto dñæ Regin' nre nunc contin vsq; diem captionis huius inquisitionis scilicet per quatuor menses apud A. in com M. pred' occupauit vel exercuit artem mysterium siue occupationem in dict' dñæ Reg' nunc contemptum ac contra formam statuti pd'.

An indictment for a riotous and unruly full assemble, putting men in feare, & doing of trespassse, and plowing in a close.

Sect. 252.

Sessio pacis generalis domin' Regin' tenet apud Midd' in com predict' die Martis, viz. quarto die &c. Ann' &c. coram H. C. militi G. C. &c. ar Iustic' pacis in com pred'.

Inquisit' cap' ibid' per sacrament T. O. B. D. &c. Iuraf. Qui super sacrament suum inter alia presentant quod A. B. nuper de H. in com C. yroman, E. D. &c. 22. die &c. Anno &c. vi & armis apud N. in com pred' riorose seipfos assemblantes & associantes ad tunc et ibidem riorose quoddam clausum vocat &c. cuiusdam R. Carmig' freger & intrauit ac seruient, et tenentes ipsius R. C. ad tunc et ibidem in clauso in opere faciend' ipsius R. C. existen' minaciter minas fuerunt et timerent ac herbam ipsius R. C. ad tunc et ibidem crescent cum quibusdam aueris non solum depast' fuer conculcauerunt & consumpserunt sed etiam predict' clausum cu bob' & aratro arrauerunt & subuerterunt et alia enormia ff. R. C. fecerunt in dict' dñæ Regine cōtemptum manifestum & ipsius R. C. damnum non modicum & grauamen, ac contra pacem dictæ domine Reginæ.

An Indictment of a Priest for saying of Masse in the vestrie of a Church.

Inquiratur pro domina Regina, li G. O. nuper vicarius de W. in par- Sect. 253.
tibus de L. in com' pred' clericus xvj. die Martij mar. e in aurora eiusd'
diei Anno regni Elizab. &c. sexto apud W. pred' in quodam loco
vocat the vestrie house iuxta ecclesiam parochialem de W. pred' vo-
luntarie vsus fuit priuatim alio ritu ceremonia & forma celebration' coe-
nae dñae vocat the Lords supper quam in quodam intitulat lib' Com-
munis precatonis & administrationis Sacramentorum & aliarum ri-
tuum & ceremoniar' Ecclesiae Anglicanae authorizat per Actus parla-
ment' rent in Annis 5. & 6. domini Regis Edw. sexti nuper Regis Ang-
liae declarat & mencionat existit, viz. dicend' & celebrand' vnam priuat'
missam contra formam statuti.

*An Indictment for moving the Duke of Somerset and other Subiects to rebel-
lion against the king, and to take and imprison the Duke of Northumber-
land, the Marques of North, and the Earle of Pembroke being of the K.
privie Counsell.*

Inquit &c. Quod T. A. nuper de L. Miles deum prae oculis non ha- Sect. 254.
bens sed instigatione diabolica seduct' Anno regni Edw. 6. &c. 5. &
diuersis diebus & vicibus antea et postea apud Sion in comitat' Mid-
dlesex' & apud diuersa alia loca in dict' comitatu Middlesex' felonice
fact' dict' domini regis per aperta verba procurauit mouit et instigauit
Edward' Duce'm Somerset, ac quam plures alios subditos dict' domini
regis ad insurgendum, et ad apertam rebellionem & insurrectionem in-
fra hoc reg' Angliae mouend' contra ipsum dominum reg' & adtunc et
ibidem felonice capiend' et imprisonand' prenobilem Iohannem ducem
Northumb' tunc comit' Warw. Will' Marchionem Northampton, &
Willhel' comitat' Pembroke adtunc Wilhelm' Harbert, ipsisque du-
ce Northumb. Marchio n et Comit' Pembroke de priuat' Consilij dic-
ti dñi regis adtunc existen' contra dicti dñi regis Coron' & dignitat' suas
et contra formam statut' in hñdi casu edit' & prouis.

An Indictment of extortion against an Escheator.

Inquit pro domina Regina si R. G. nuper de O. in com' Warw die & Sect. 255.
anno &c. colore officij Eschaetoris in com' Leic' exegit & extorcione
cepit apud H. in dict' comit' L. de Griffino R. nouem modios tritic' ad
valenc' 3. s. 4. d. de bonis & catallis dict' Griff. ad perniciosum exem-
plum aliorum malefact' ad graue damnum ipsius G. et contra formam
diuersos statut' &c. & contra pacem &c.

*An Indictment against one for publishing that the Queene had two or three
Children by the Lord R. D.*

IVi &c. quod I. nuper de W. in com' pred' Labourer, deum prae oculis Sect. 256.
non habens sed instigatione diabolica seduct' quinto die &c. Anno
&c.

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&c. apud N. narrauit & publicauit de dicta dña Regina nunc hęc falsa seditiosa & scandalosa verba Anglicana sequen', viz. *That the Quene hath had by the Lord innuēd R. D.* prænobilis ordinis garterij Milit dominū D. *two or three childzen*, contra ligeanc' et debis' sua, in magnum scandalū & contemptum dictę dominę Regine nunc Coronā & dignitat' suas, & contra formam statuti &c.

An Indictment of one as a common Barretor, a stirrer up of strife and contention, and a troubler of the peace.

Sect. 257.

Inquiratur pro domina Regina, Si I. B. nuper de S. in comitat' &c. *Præmā* 25. die Maij Anno &c. apud S. pred' necnon diuersis diebus & temporibus tam antea quam postea fuit communis barretator & pacis perturbator ac diuersas lites contumelias & discord' in diuersos dictę dominę reginę subdis' adtunc & ibidem et alibi in com' pd' iniuste mouebat, procurabat, et excitabat, in dictę dominę Reginę nunc Contemptum & ad graue damnum populi dictę dominę Regiū', necnō contra formam diuersorum statut' &c. ac contra pacem &c.

An Indictment for clipping and filing of Golde and Siluer, and uttering of the same.

Sect. 258.

Inquiratur &c. Si E. D. de ciuitat' Couenterię *Præter*, die & Ann' &c. ac diuersis diebus ant' & postea in Ciuitat' prædict' 30. pec' auri vocat' *Kopals*, ac 300. pecias argenti vocat' *groats*, boni & legal' monete Anglię & cunagij dict' dñę Reg. p' lucri causa falso felonice & proditorie totondit & filauit: Ita quod per' ronsionem & filacionem illas quelibet pecia auri inde de xij. d. in suo debis' pondere diminuebatur. Ac quelibet pecia argenti vocat' *groats*, inde vno obulo in debito suo pōdere diminuebatur, et monetā illā in forma pd' ronsam ac filat' diuersis ligeis dictę dominę Reginę apud Ciuitat' pred' in com' predict' falso felonice & proditorie exposuit et veterauit, contra formam statuti &c. ac contra pacem &c.

An Indictment for enclosing of 20. acres of pasture out of a common field, in the which all the inhabitants of L. haue used time out of minde to haue common of pasture for all manner of Cattell.

Sect. 259.

Iurat' presentant &c. Quod Ed. C. nuper de L. in comitatu predict' generos. G. C. nuper de L. &c. decimo die &c. Anno &c. necnon diuersis diebus & vicibus tam antea quam postea, vi et armis &c. xx. ac pasture cum pertinentijs in L. predict' in aperto communi campo ibidem, in quibus omnes inhabitantes villę predict' a tempore cuius contr' memoria hominum non existit vsi fuerunt & consueuerunt habere communiam pasturę pro omnibus animalibus suis omni tem-

porē

pore anni imperpetuum, cum sepibus & fossatis inclusiuerunt, & easde viginti acras sic inclusas à pd' 10. die Apr' anno suprad' vsq; diem cap-
tionis huius inquisitionis custod' & adhuc custodiuit in malum & per-
niciosum exemplum aliorum ligeonum dictę domine reginę, & contra
formam diuerforum statuf &c. Ac contra pacem &c.

An Indictment of wilfull murder of a woman.

Inquiratur &c. si T. L. nuper de W. in comitatu &c. **Labozer**, Deum Sect. 260.
Ipse oculis non habens sed instigatione diabolica seduct' 30. die Apr'
anno regni Elizabethę &c. circa horam nonam eiusdem diei vi & arm'
apud W. pred' ex malicia sua p̄cogitat in quandam Marg' T. adtunc &
ibidem in pace Dei & dictę domine reginę existē insultum fecit & ip-
sam Marg' cum quodam baculo ad valenc' &c. quem idem Th. in ma-
nibus suis adtunc et ibidem tenuit, verberauit, vulnerauit, et maletracta-
uit. Ita quod pd' M. à pd' 30. die Apr' anno suprad' vsque ad quintum
diem Maij tunc proxim' sequent' languebat, quo quidem quinto die
Maij anno suprad' pd' M. apud W. pd' de verberatione vulneratione &
maletractatione pd' adtunc et ibidem obiit. Et sic pręd' Th. pred' M.
modo et forma pręd', scilicet, apud W. pręd' die et anno prędict' felo-
nicę et voluntarię interfecit et murtherauit contra pacem &c.

*An Indictment of murder, and the murderers flying after the said murder
committed.*

Inquiratur pro domina regina, si T. Barbour nuper de C. in com' &c. Sect. 261.
die et anno &c. vi et armis &c. ex malicia sua p̄cogitat apud D. in
comitatu prędict' in quandam W. W. adtunc et ibidem in pace Dei et
dictę domine reginę existē insultum fecit et ipsum W. adtunc et i-
bidem existē verberauit, vulnerauit, et maletractauit, ac ipsum W.
cum quodam baculo ad valenc' &c. quem idem T. B. adtunc et ibidem
in manu sua dextra tenebat pręfāt W. supra sinistram partem tibiae suę
felonicę percussit, dans ei plagam mortalem: Ob quam quidem pla-
gam mortalem pręfāt W. à prędict' vicesimo die &c. anno &c. vsque
ad octauum diem Iulij tunc proxim' sequent' languebat, et de eadem
plaga mortali pręd' W. &c. apud &c. prędict' vicesimo die Iulij anno
supradicto moriebatur. Et sic prędict' Tho. B. pręd' W. pręd' 8. die
Iulij anno supradicto apud B. prędict' felonice murtherauit et interfecit,
contra pacem dictę domine reginę &c. Ex post feloniam et murtherum sic
per pręfatum Tho. B. ibi fact', prędict' Tho. B. ob eandem feloniam et
murtherum pd' immediatę fugiebat, contra pacem &c.

Indictments and

An Indictment of Riot, the riotors weaponed with diuers weapons, and armed with priny coates for breaking and entring into a house, taking and spoiling of goods, beating and wounding of diuers in the house, breaking of a chest, and taking out of it six silver spoones, and the taking, spoiling, and carrying away of Oates out of a Barne.

Sect. 262.

Inquiratur &c. si I. L. decimo die &c. anno &c. vi & armis, videlicet, baculis, gladijs, & cultellis nec non tunicis priuatis & modo guerrino araiat apud W. in com̃ præd domum cuiusdam Christophori B. apud W. præd in comit' præd riotosè & manu forti fregerunt & intrauerunt, & in T. B. F. B. &c. ad tunc & ibidem inuent' in pace Dei & dictæ dñæ regin' existē insultum fecerunt & affraiam ibidem riotosè fecerunt & ipsos T. F. &c. ad tunc & ibidem in pace Dei & dictæ domine Reginæ inuent' existē verberauer', vulnerauer', & maletratauer'. Ita quod ipsi de vita ipsorum desperabantur, ac bona & catalla præd C. B. ad valenc' 30. li. in domo sua præd ad tunc inuent' riotosè ceperunt & spoliauerunt & asportauerunt, ac cistas ipsius C. in domo sua præd tunc existē riotosè fregerunt, & sex cocleas argenti ad valenc' xl. s. de bonis & catallis ipsius Christophori ad tunc & ibidem inuent' riotosè ceperunt & asportauerunt. Ac auenas ipsius C. tunc & ibidem in horreo suo inuent' riotosè ceperunt & spoliauerunt & asportauerunt. Ac alia enormia ei intulit in perniciosum exemplum ligeorum & subdit' dictæ domine reginæ, ac contra formam diuersorum statut' &c. ac contra pacem &c.

An Indictment for the countersaiting of the Queenes Letters patents to beg, and taking of the Queenes broade Seale from other Letters patents, and putting it to the counterfeit Letters patents.

Sect. 263.

Inquiratur pro domina Regina, si I. D. nuper de M. in comitatu &c. Deū præ oculis non habens sed instigationē diabolica seduct' die &c. apud &c. deceptiuè falsò & proditoriè quasd' falsas lras patētes scripte de collectione deuotionis & charitat' populorum ipsius domini Regine hunc tenorem continē, viz. Elizabeth by the grace of God &c. Ac com̃ idem I. dictas falsas literas patētes sic vt premittitur contrafecisset, idem I. præd die &c. Anno &c. apud M. præd in comitatu præd quoddā magnum sigillum dictæ domine reginæ ad tunc præantea annex' & legitimum appositū irripuit & accepit, & illud sigillum dictis falsis counterfactis literis deceptiuè, falsò & proditoriè apposuit & annexit, & easdē literas sigillo illo subtilit' recludend' sigillauit. Et si magnum sigill' ibidē & ad tunc voluntariè & proditoriè, contrafecit, falsificauit & fabricauit. Et idem I. postea scz. die, anno &c. apud M. in comitatu præd ac diuersis alijs locis eiusdem com̃ diuersas denariorum summas diuersorum ligeorum dictæ dñæ Reginæ, virtute, & colore literarum prædict' modo & forma prædict' contrafact' & sigillat' deceptiuè, falsò, & proditoriè col-

ligebat

ligebar habuit et recepit & ad vsum suum proprium conuertit in malum & perniciosum exemplum ligeorum eiusdem domini Reg. ac contra formam diuersorum statutorum in huiusmodi casu editi & prouisi. & contra pacem dicti dominæ Regine &c.

An Indictment for the stealing of two geldings.

Inquir &c. si G. W. nuper de W. in com. S. & R. B. nuper de W. p'd' in com. p'd' **Labozer**, ultimo die &c. Anno &c. vi & armis &c. apud N. in dicto com. S. vnū spadonem coloris gray p'cij &c. Ac alium spadonem coloris &c. p'cij &c. de bonis et catallis cuiusdam ignoti adtunc & ibidem inuenti felon' furat' fuit, cepit & abduxit contra pacem &c. Sect. 264

An Indictment for robbing of a Gent. by the highway.

Ivi &c. Qd' vbi I. B. de L. gen' 13. die &c. Anno &c. fuit in pace dei & dicti dominæ Reg. in regia via apud p. roch. Sancti Egidij in campis in comitatu Midd' ibi eodem die, et anno venerunt I. M. & R. H. nuper de &c. felon', vt felones dicti domini reg', et in p'd' I. B. insultu fecer' & ipsum verberauer', vulnerauer', & maletractauer'. Ita qd' de vita eius desperabatur et 20 s. in pecunijs numerat' de bonis et catall' ipsius I. B. sup' ipsum I. B. adtunc & ibid' inuenti et existenti felon' cepit & asport', contra pacem &c. ac contra formam statuti in an. domini H. 8. 23. editi & prouisi. Sect. 265

An Indictment for cutting of a purse, and xx s. in it.

Inquir &c. Si T. C. de &c. **Labourer**, die &c. vi et armis &c. apud C. in com. &c. 20 s. in pecunia numerat' in quad' crumen' existenti de bonis & catall' cuiusdam T. D. adtunc et ibid' inuenti a persona p'f. T. D. cum quodam cultell' ad valenc' &c. quem idem T. C. in man' sua dext' adtunc et ibidem habuit & tenuit felon' scidit furat' fuit cepit & asport', contra pacem &c. Sect. 266

An Indictment for taking away of a woman servant.

Inquiratur &c. Si W. K. de S. &c. die An. &c. loco &c. vi et armis, viz. gladijs et dagger' quend' Isab. K. seruientem R. Q. de F. in comit' p'd' **Spintzer**, in seruic' dicti Richardi existenti & retenti apud F. p'd' cepit & abduxit die et ann' suprad', contra pacem dicti domini regis nunc. Sect. 267

An Indictment for breaking and entering into a house, and burning of it.

Inquiratur &c. Si D. S. de K. in comit' p'dicti **Labozer**, tali die et anno &c. vi & armis &c. domū W. C. fregit & intrauit, & ex malis suis pre- Sect. 268

Indictments and

precogitat, ad tunc & ibidem existentē dictam domum felonice combussit
contra pacem &c.

*An Indictment for procuring a Seruant to depart from his master, and for
being a common procurer of seruants away from their seruices.*

Sect. 269.

INquir &c. si W. M. de N. in comit. E. *peoman*, die, anno, & loco &c. p-
curauit et exhortauit I. C. seruient R. S. in seruitio suo ibidem existentē
abire ab eodem seruitio, cuius quidem procuracionis pretextu idem I. C.
a seruitio R. S. tunc et ibidē recessit: Et quod idem W. M. est communis
procurator seruient diuersor ligoꝝ domini Regis, Ita quod ligei domini
regis de eiusmodi seruient ad negotia sua perimplendū multiplicē gra-
uaf existunt, in dicti domini regis contempt & quamplurimū ligoꝝ
domini Regis deteriorationem manifestam.

*An Indictment for keeping of Hounds and Hunting, hauing not lands of the
value of xl.s.*

Sect. 270

INquir &c. si I. W. T. P. de &c. non habens terrē neq; tenementū ad va-
lencē 40.s. ultra reprim. tenent Canes venaticos & leporarios et eisdem
vsi sunt venari in diuersis partibus iuxta C. viz. apud D. H. et alibi in-
fra Hundred de C. venati sunt, ac lepores ac alia animalia ven. cepereunt
contra pacem &c. ac contra formam statuti &c.

An Indictment for robbing of a Church.

Sect. 271.

INquir &c. si I. W. de &c. vi et armis &c. ecclesiam parochialem Sā-
ctæ Andree Apostoli, apud S. in corā pred. freget et intrauet, ac x. d.
in pecunijs numeratis de bonis et catallis parochianorū parochiæ pred.
in custod. W. F. et W. S. custod. siue gardianorum bonorum et catall.
parochianorum parochiæ prædictæ existentē ad tunc et ibidē felonice fu-
raf fuit cepit & asportauit, contra pacem &c.

*An Indictment of two Sherifes of a citie, for suffering of a Pri'oner commit-
ted to them upon suspicion of felonie to escape.*

Sect. 272

INquir &c. Quod cum Robertus I. nuper de Ciuitate Conuentrie in
com. Ciuit. pred. *peoman*, 8. die Nouembris, anno reg. Elizab. &c. pro
suspicionē felon. per ipsum R. I. preantea fieri & perpetrari suppositum a-
pud Ciuit. predictæ capt. et arrestat. fuit: Idemque R. I. eisdem die & an-
no apud ciuit. prædictæ quibusdam Iohanni S. de ciuitate predictæ *Co-
ther* & Willihel. P. de ciuitate prædictæ *Winer*, vic. Ciuitat. præd. ac
custod. gaolæ dictæ dominæ reg. infra ciuitat. illam, ob causam pred.
tradit. fuit saluo et secur. custod. quousq; idem R. I. a custod. illa secūd
legem et consuetud. regni Angliæ a prisona illa deliberat. foret, si iidem
I. S. et W. P. die et anno supradictis apud Ciuitatem pred. in comitatu
Ciuit.

Cuius p̄d. R.I. ad largum & extra gaolam & custod̄ p̄d felonice & voluntarie exire permiser, contra pacem dictæ dominæ reginæ &c.

An Indictment for stealing of Conies with nets, dogs, and ferrets.

Inquit &c. Si I.W. die et anno &c. vi et armis &c. clausum cuiusdam Sect. 273.
K.L. voc̄ &c. apud M. circa horam octauam in nocte freger et intrauit, et vnam cuniculā cum retibus, canibus, et venarijs vocat̄ ferrets, adunc et ibidem inuenit ceperunt et asportauerunt, ad graue damnum &c. et contra pacem &c.

An Indictment of a keeper of a Gaole, for letting one committed to him upon suspicion of felony, escape out of prison.

Inquiratur &c. Quod cum quidā I.B. de &c. die & anno &c. p̄suspiciōne cuiusdam felon' per ipsum infra villam præd̄ ante tunc fieri et perpetrari sup̄posuit, cap̄ et arrestat̄ fuit apud villam p̄d̄, & eidem die & anno præd̄ I.B. cuidam Tho. R. de villa et com' p̄d̄ *yeoman*, custod̄ gaolæ dicti dñi regis in dicta villa de L. præd̄ pro suspitione felonizæ p̄d̄ subro & secur̄ custod̄ tradit̄ fuit quousq; idem I.B. a custod̄ illa sciendū legem & consuet̄ regni Angliæ deliberat̄ foret: Si idem T.R. die &c. anno suprad̄ apud villam p̄d̄ in comitat̄ p̄d̄, p̄d̄ I.B. ad largum & extra gaolam præd̄ negligenter voluntarie & felonice exire & euadere permiser, contra pacem dictæ dom̄ reginæ &c. Sect. 274.

An Indictment for the stopping and turning of a water course in a Town, by reason whereof diuers mens lands be surrounded.

Unos præsentant &c. Quod T.R. nuper de S. *yeoman*, I.P. nuper de S. *yeoman*, &c. primo die Ian' anno regni dictæ dñe reg' secund', necnon diuersis alijs diebus & vicibus, tam antea quam postea apud S. p̄d̄, quendam aquæ cursum obstupauit et diuertit, per qd̄ p̄dict' aquæ cursus fluebat super solum et liberum tenitum quorundam &c. ad graue damnum ipsorum, necnon omnium tenentū villæ de S. præd̄, & in perniciolum exemplum aliorum, ac contra formam statut̄ &c. et contra pacem dictæ dominæ reginæ &c. Sect. 275.

An Indictment upon the Statute of 8.H.6. for a forcible entry into one rood of land, and assaulting and beating of one I.F. and keeping the same with force.

Inquiratur pro domina regina, Quod cum in Statuto in Parliamento domini Henrici nuper Regis Angliæ sexti post conquestum apud Westmonast' Anno regni sui 8. tenet̄, ædit̄, inter cetera continetur: qd̄ si ali qua persona de aliquibus terris siue tenementis manuforti expulsa Sect. 276.

Indictments and

expulsa sit vel disseisif, vel pacific' expellatur & postea manu forti exte-
teneat vel aliquod feoffament vel discontinuation inde post talem in-
gressum suum ad ius possessoris defraudand vel tollend aliquo modo
fiat, habeat pars in hac parte grauaf versus talem disseisitorem Assisam
noue disseisinz vel breue de transgr. Et si pars grauaf per Assisam vel
per actionem transgressionis recuperet per veredict' vel alio quocunq;
modo per debet legis formam inueniat qd pars defendens vi ingressus
fuerit, vel dicta tenementa per vim post ingressum suum tenuerit, recu-
peraret querens damna sua ad triplum versus defendetes. Et ulterius fi-
nem & redemptionem dominæ reginæ fac' prout in eodē statuto pleni-
us continetur: Quidam tamen I. W. de W. in comitatu p'dict' preoman,
E. H. I. L. & alij statuf p'dict' minime ponderant, vij. die Martij, Anno
8cc. vi & armis, viz. baculis, gladijs, & fustibus seipfos assemblauerunt,
congregauerunt, & coadunauerunt. Et sic assemblat, congregat, & co-
adunat existeñ modo guerrino arraiat riorose & illicite in vnam rodam
terre liberi tenementi cuiusdam G. B. genit' apud W. in quodam loco
vocat Catemoys Dale in comitat' p'dict' ingressi fuerunt. Et in quodam
I. F. & I. W. adtunc et ibidem insultum & affraiam fecerunt, verbera-
uerunt, & maletractauerunt, & ipsum G. B. de eadem roda terre manu-
forti expulerunt. Et ipsum G. B. sic expulsum inde manu forti extraxe-
runt & adhuc extratenent in dictæ dñæ reginæ nunc contemptum
& ipsius G. graue damnum, ac contra formam statuti p'dict' Et con-
tra pacem dictæ dominæ reginæ &c.

*An Indictment for murdering of a man child newly borne, which is murdered
by the mother.*

Sec. 277.

Inquiratur pro domina Reg', Si E. B. nuper de T. in com' &c. *habeat*
ster, 29. die 8cc. Anno 8cc. apud T. p'dict' adtunc & ibidem quē-
dam infantem masculinum viuum peperit. Et postea p'dict' E. apud T.
p'dict' infantem viuum adtunc & ibidem cum digitis suis super caput su-
um dure tractand per quod infans p'dict' immediate moriebatur. Et sic
p'dicta E. B. infantem p'dict' die & anno supradict' felonice interfe-
cit &谋杀uit contra pacem dictæ dom' reginæ nunc &c.

*An Indictment for hunting in a Parke pales, and for the killing and carrying
away of a Bucke and a Doe in the night time.*

Sec. 278.

Iurat p'sentant &c. quod cum in statuf in Parlamento dominæ reginæ
nunc tenet apud W. Anno regni sui quinto inter alia inactat, stabili-
tat & ordinat existit. Quod si aliqua persona siue personæ post festum
Pentecostes Anno 5. supradicto in die vel in nocte, iniuste vel illicite
fregerit fregerunt vel intrauerunt in aliquod parcum impalarum vel se-
cipibus inclusum ad seruand vel sustentand ferat, vsitat, & ibidem iniuste
venator

veniant vel veniantur, ceperit aut ceperint, occiderit aut occiderint, aliquas ferias infra aliquod hūdi parcu impalat vel solum inclusum et pro feris vsuaf modo & forma p^d & inde debito modo conuict⁹ fuerit aut fuerit ad sectam dictae dñae reg^e vel partis in hac parte grauaf. Quod tunc ead persona siue personā sic inde conuict⁹ potⁿ corpor siue corpor suoru per imprisonment subeat & subeant p^p spaciū 3. mensium, & reddat & reddant, soluat & soluant parti grauaf damna sua ad triplum. Et post p^d tres menses complet⁹ inueniat & inueniant sufficient securitatem pro sua vel suis bene gestur & gestur perspacium 7. annorum tunc prox⁹ sequend⁹ erga dictā dñm reg^e hered⁹ & successor⁹ & cunctum popul⁹ suum, aut remanebit siue remanebunt & continuabunt semper in prison siue balliua vel manucaptionē donec ille vel illi delinquer poterit vel poterint et inuenerint, tres tales sufficientes securitates durate terminū sept⁹ annorum vt supradictum est prout in statut⁹ p^d plenius continetur: Quidam tamen W.W. T.M. &c. de &c. statut⁹ p^d minimē ponderant post pred⁹ fest⁹ P. sez. tertio die Iunij anno &c. circa horam 1. in nocte eiusdem diei vi & armis &c. parcu impalat & pro feris vsuaf cuiusdam I.S. a⁹ vocat⁹ Hoptwell parke apud Hoptwell in com⁹ prae dict⁹ fregerunt & intrauer⁹, & vnam Damam masculinam et vnam Damam femalem adtrunc, & ibidem in eodem parco inuent⁹ & existeⁿ ceperunt, interfecerunt & asportauerunt, contra formam statuti prae d⁹ ac contra pacem &c.

An Indictment of burglary for breaking of a dwelling house in the night time, to the intent to haue robbed the said house, and for beating and putting in feare diuers in the same house.

Inquiratur pro domina Regina, si I.P. nuper de &c. 20. die &c. vi & armis &c. circa horā 10. in nocte eiusdem diei domum mansionalem cuiusdam D.B. de L. p^d in com⁹ prae d⁹ H. apud L. prae d⁹ ea intentionē ad spoliand⁹ eundem D. de bonis & catallis suis in eadem existen⁹ feloⁿ & burglar⁹ fregit & intrauit, & eund⁹ D. & quendam I.B. filium prae dict⁹ D. & E. vxor⁹ eius in domo prae d⁹ in pace Dei & dict⁹ dñae reginae adtrunc & ibidem existeⁿ verberauit, vulnerauit, & maletrastauit, & in corporali timore & maximū metu & piculo vitae suarū adtrunc et ibidem posuit, contra pacem &c.

An Indictment of burglary for breaking of a dwelling house in the night time, and the putting of them in the house in feare, and for the felonious taking out of the said house 1200.li in money, and a chalice of silver parcel gault.

Inquiratur pro dñā regina, si T.W. de B. in comitat⁹ &c. sexto die &c. Anno &c. circa horam primam in nocte eiusdem diei domum mansionalem

Se^{ct}. 280.

T. j.

fionalem

Indictments and

honoralem cum uidam I. B. apud W. in comitatu p[re]dicto feloni & burglar fregit & intravit ac ipsum I. B. adtunc & ibidem in eadem domo mansionali in corporali timore posuit ac mille & centum lib[ra] legalis monete Anglie in pecunijs numerat & vnam calicem argenti parcell[am] aurat vocat a chalice of silver parcell gilt, ad valenc[ia] 4. li. de denarijs & de bonis & catallis I. B. in eadem domo mansionali adtunc & ibidem inuenit felonice cepit et & asportauit contra pacem dict[am] d[omi]ni reg[is] Coron[am] & dignitat[em] suas.

An Indictment for breaking of a barn, and taking out of it foure bushels of barley.

Sect. 281.

Inquit & c. si I. S. & c. horreum cuiusd[am] I. C. de Sutton magn[um] in comitatu adtunc & ibidem burglar fregit & intravit, & quatuor modios hordei Anglie vocat a quarter of barley, ad valenc[ia] vi. s. iij. d. de bonis & catallis p[re]dicti I. C. adtunc & ibidem inuenit burglariter & felonice cepit, abduxit, & asportauit, contra pacem & c.

An Indictment for breaking of a Milne, and taking out of the same a sacke and six bushels of wheat.

Sect. 282.

Inquit & c. si I. S. & c. vi. & carnis domum molendi[um] W. H. apud Canpoch de D. in comitatu p[re]dicto vocat Clarke mill, burglar fregit & intravit & vnū saccu[m] p[re]dicti & c. & sex modios tritici vocat 6. bushels of wheat, in sacco ibidem existens p[re]dicti o. s. de bonis & catallis p[re]dicti W. H. adtunc & ibidem inuenit die anni & loco suprad[icti] felon[em] cepit & asportauit contra pacem & c.

An Indictment for the felonious taking of six paire of sheets, twelue diaper napkins, and one ring of gold.

Sect. 283.

Inquiratur & c. si I. B. vi. & carnis 6. paria lintheorum vocat Shirts, ad valenc[ia] xli. s. 12. mappas de diaper vocat table napkins ad valenc[ia] xli. s. vnū annulu[m] de auro cuiusd[am] I. S. apud H. p[re]dicti dict[am] die & anno adtunc et ibidem inuenit felonice cepit et asportauit contra pacem & c.

An Indictment for the felonious taking of a cup of silver parcell gilt in the isle of V.

Sect. 284.

Inquit si I. S. vi. et ar[ist] vna Cypha argenti parcell[am] aurat Anglie vocat a cup of silver parcell gilt, ad valenc[ia] 4. li. de bonis et catallis E. W. apud M. infra insulam V. in comitatu p[re]dicto adtunc et ibidem inuenit felon[em] cepit et asportauit contra pacem & c.

An Indictment for receiuing, aiding, and comfort[ing] of a felon knowing him to haue done a felony.

Sect. 285.

Inquiratur & c. si R. S. sciens p[re]dicti I. R. felon[em] p[re]dicti in forma p[re]dicta fecisse et perpetrasse eund[em] I. o. die & c. anno & c. in comitatu p[re]dicto felonice recepit auxiliatus fuit & confortauit contra pacem & c.

An Indictment for stealing two Horses of a man unknowne.

Inquit &c. si W. H. nup de F. in com pd' &c. vnum equū coloris gray Sect. 286.
pcij &c. et vñ equū coloris &c. pcij &c. de bonis et catallis cuiusdam
hominis ignoti die et ann suprad' felon' cepit et abduxit contr pacē &c.

An Indictment for assaulting and robbing of a man upon the highway of a gelding and his purse and x. s. of money in it, and for the taking of two mares found in the highway.

Inquit &c. si I. I. &c. vi et armis in Regia via dūcent a W. vsq; ad B. in Sect. 287.
com pd' in R. S. gen' adunc et ibid' existē in pace &c. insult fecit &
vñ spadone coloris neri pcij &c. et x. s. in pecun' numerat existē in v-
na bursa valoris vñ' donat existē de bonis et catall' dicti R. S. apud B.
pd' adunc et ibid' in Regia via inuē, felon' cepit et abduxit, contr pacē
&c. et duas equas coloris &c. precij &c. de bonis et catall' D. C. apud A.
in com W. in regia via ibid' adunc et ibid' inuē cepit et abduxit, con-
tra pacē &c.

An Indictment for the robbing, beating, and wounding of one in the highway, and taking from him ten shillings.

Inquit &c. si I. S. &c. vi et armis in quodam loco ibid' voc' the Ash, Sect. 288.
dolens erot in via regia ibid' in A. B. insultum fecit et ipsum adunc
et ibid' verberauit vulnerauit et traiecit ita qd' de vita sua despe-
rabit et x. s. in pecun' numerat sup' pson' ipsius A. B. adunc et ibid' ex-
istē de pecun' bonis & catallis pd' A. B. adunc et ibid' inuē felonice
cepit et asportauit contra pacem &c.

An Indictment for assaulting of a woman and feloniously taking from her five shillings four pence in money.

Inquit &c. si I. B. &c. vi et armis &c. in quodam E. C. apud C. in com Sect. 289.
pd' insultum fecit et quinque solid' et 4 d. a person' ipsius E. adunc et
ibidem inuē felonice cepit & asportauit contra pacem &c.

An Indictment for stealing out of a close four shrepe.

Inquiratur &c. si I. S. &c. vi et armis clausum I. S. senioris gen', apud B. Sect. 290.
in parochia de D. in comitatu predi' fregit et intrauit, et quatuor o-
ves precij v. s. de bonis et catallis ipsius Libidem inuē felonice cepit
et asportauit, contra pacem &c.

An Indictment for breaking of a house in the day time, and taking of vi. li. out of a chest, and against one for aiding & comforting the said felon.

Inquiratur &c. si R. C. die &c. domum P. S. apud G. in com predi' Sect. 291.
inter horam primā post meridiem eiusdem diei fregit et intrauit ac
vili in pecunijs numeratis in quadam Cista adunc et ibid' existē de
bonis & catallis pred' P. S. apud C. pred' in comitatu pd' adunc et ibid'
inuē felonice cepit et asportauit, contra pacē &c. Ac si G. L. &c. sciens
quod pred' R. B. feloniam pd' modo & forma pred' sic fecisset apud E.

et c.

T. ij.

præ d

Indictments and

E. præd in com prædict' die & anno supradict' felonice abbettauit, cōfortauit, & concealauit, contra pacem &c.

An Indictment of Murder committed by the Father upon his own daughter with his fist.

Secl. 292.

Inquiratur &c. Si I. L. de &c. die et anno &c. apud &c. in quod loco voc' Euerley Thornes in com p'd, vi & armis &c. in quendam Aliciam L. filiam p'd Iohis, in pace dei & dict' dñæ Reg. existē, ex malicia sua p'cogit insult fecit, verberauit & mastrastauit, ita q' de vita sua desperabatur, ac p'd Iohā cum suis pugnis adtunc et ibid' felon sup corpus percussit, dans eid' Aliciæ vnā plagam mortalem; de qua quidem plaga eadem Alicia incontinentē adtunc et ibid' obiit. Et sic p'd Ioh. p'd Aliciam adtunc et ibid' felon interfecit & murauid, contra pacem &c.

An Indictment for the Counterfeiting of Testers, and for the paying and uttering of them.

Secl. 293.

IVi present &c. q' H. P. nup de Londō Beruingswā die &c. an &c. 40. pecias cunei argenti voc' **Testers**, de cunco dict' dñæ Reg. & curien monē Ang' ad similitud' et instar veri cunei Angliæ & monē dict' dñæ Reg. apud Stanley Abbey p'd in com p'd falso & p'ditoris fabricauit & contrafecit, et diuersis ligeis dict' dñæ Reg' die et an' suprad, apud S. præd in com p'd, vt vera Monē dict' dominæ Reg. falso exposuit vtterauit et soluit, contra formam statuti in huiusmodi casu editi, et contra pacem &c.

An Indictment for counterfeiting, making, and uttering of false money, viz. Sixpences made with coining Irons, of false metall.

Secl. 294.

Inquirat &c. si W. H. de &c. die & an' &c. apud &c. falso & proditor cuneis ferreis, voc' **coining pions**, cuneam dict' dñæ Reg. viz. **serpentis**, Anglie **Testers**, ex falsis metallis cōtrafecit & cunauerit, ad similitud' bone et public' Monē Angl' attingē ad quinq; solidi, & p'd falsam monē sic vt p'f. p'ditor cuneatam p'd die & loco, et in diuersis alijs locis in com p'd & diuersis dieb' & vicib' ligeis dict' dñæ reg. ign p bonam felon & p'ditor exposuit et vtter, contra pacem &c. & cōtra alleg' &c.

An Indictment for burning of a dwelling house, a Barne, and a Wine load of Barley in the same barne, and against one for comforting the said felon, after the felonie done.

Secl. 295.

Inquirat &c. si W. Baker de &c. vi et armis, viz. baculis & culcellis quādā domū māsionalē, ac vnū hort' ciuisd' W. T. necnon caruā hordei in horreo p'd existē, & continē ad valēc' 30. libr' de bonis & catallis ciuisd' W. apud T. p'd in com p'd, die & ann' p'd felon & volūtar' ignauit, accendit, cremauit, & cū igne destruxit, cōtra pacē &c. et contra totū Statū

Statuti inde editi & puiſ. Ac ſi I. K. nuper &c. ſciens p̄d W. B. felon' p̄d in forma p̄eſ ſic facient dict' die & anno apud T. p̄eſ in com' p̄d felon' conclauit procurauit & abbettauit contra pacem dominz reginz.

Accessory.

An Indictment againſt two being priſoners for felony for breaking of the priſon, and letting out two priſoners.

Inquiratur &c. ſi B. C. F. G. nuper de &c. nuper arreſtat, impriſon & detent in gaola dict' dñe reg' de &c. pro diuſis felon' per ipſos ſeparam perpetrat 8. die Feb. anno &c. vi & armis &c. p̄d gaolam dict' dñe reginz de F. p̄eſ in com' p̄eſ apud &c. fregerunt & I. C. nup de &c. & I. S. priſonarios in eadem gaola exiſtē adtūc & ibidem felon' ad largiunt permiſerunt contra pacem &c. ac contra formam ſtatut' &c.

Sect. 296.

An Indictment for breaking of priſon by one committed for felony.

Inquiratur &c. ſi A. B. nup &c. exiſtē in priſon dñz reg' apud C. &c. pro diuerſis felon' vnde corā Iuſtic' pacis dict' dñe reg' in com' p̄d ad ſeſſionem tent coram eiſd' Iuſtic' primo die &c. anno &c. felonice ab gaola illa adtunc & ibid' tranſijt & felonice euasijt cont' pacē &c.

Sect. 297.

An Indictment grounded vpon a ſtatute law againſt one that keepeth Greyhounds, Hounds, and Ferrets, who may not diſpend 40 s. per annum.

Inquiratur &c. ſi A. B. nup de &c. Quod cum in pliamēt apud Weſt' nup ædiſ inter alia cōrineſ, qđ nullus Laborarius artiſex nec villuſ laicus qui non habet terr' & tenement' ad valenc' 40 s. per anñ, nec villuſ capellanus ſeu aliquis ali' Cleric' ſi ipſe non habet benefic' ad valenc' x. ſi per anñ prouiſ. exiſtit quod tunc impoſſet non habet ſeu cuſtodir' vluom canē lepōrāſ voc' a greyhound, vel canem venaticum voc' a hound, ſeu alioſ canes pro venatiōe, vteretur venāſ voc' ferrets, vel magnis rebus voc' Hages, vel retibus voc' hare-pipes, aut alijs engenis quibuscūq; ad capiend' aut deſtruend' ſeras lepores aut cuniculos ſub poen' impriſonament' per vnum annum integ' prout in act' Parliament' p̄eſ plenius continetur: p̄eſ A. B. non habens terr' & tenement' ad valenc' x. ſi per anñ lepōrāſ voc' Greyhounds, venatic' voc' Hounds, & alioſ canes ad venand' apud N. in com' p̄eſ habet & cuſtod' ac etiam venāſ voc' ferrets vt ſupra die & anno apud N. in com' p̄d vtitur, ad capiend' & deſtruend' ſeras, lepores & cuniculos contra formam ſtatuti p̄eſ, vel in contemptum dñe regine nunc, & contra formam ſtatuti p̄eſ &c.

Sect. 298.

An Indictment for ſtealing of foure oxen, and of the accessories to the ſame felony before and after the ſame felony done.

Inquiratur &c. ſi A. B. de F. in com' N. georā die & anñ &c. 4. boues p̄ci &c. de bonis & catallis I. S. de W. in com' p̄eſ inuenſ felon' ſuraf fuit cepit & abduxit. Et ſi W. B. de N. in com' p̄d geoman, die & anno &c.

Sect. 299.

Accessory.

T. iij.

apud

Indictments and

apud N. in com' præd' fuerunt consentientes & abbettañ præd' A. B. ad feloniam predict' in forma pred' faciend' contra pacem &c. Et par les accessaries apuz en cest maner. Et si H. W. & P. R. nuper de &c. sciens prædict' A. B. felon præd' in forma præd' fecisse apud T. præd' & alibi in com' præd' præd' 10. die &c. eundem A. B. felonice recepraerunt contra pacem &c.

An Indictment of wilfull murder.

Secl. 300.

Inquiratur &c. si T. S. de D. in com' prædicto *yeoman*, vicesimo die Ianuarij anno &c. vi & armis, viz. gladijs, baculis, & cultellis in quēdā W. P. de S. in com' præd' *Husband*, in pace Dei & dict' dñe reg' existē, ex malicia sua præcogitata apud L. in com' præd' insultum fecit & cum quodam ense ad valenc' x.s. quem idem T. in manu dextra adtunc & ibidem habuit & tenuit præf' W. super dextram partem capitis sui percussit dans ei plagam mortalem, de qua quidem plaga præd' W. P. à præd' 27. die Ianuarij vsq; ad 12. diem Decemb' languebat & tunc de plaga præd' moriebatur. Et quod præd' T. apud L. præd' ex malicia sua præcogitata felonice & voluntarie interfecit & murtheravit contra pacem &c.

An Indictment of manslaughter against two, and against one other as accessory to the same.

Secl. 301

Inquiratur pro domina Regina, si A. B. de C. in comit' D. *yeoman*, & W. F. de T. in com' præd' *Husband*, secund' die &c. in I. W. de C. in com' præd' *Labozer*, apud L. præd' insultum fecerunt & ipsum I. W. adtunc & ibid' idem A. B. cū quodā armicudio qd' dict' A. B. in manu sua dextra tenuit in gutture ipsius I. felonice percussit, de quo ictu præd' I. interijt & moriebatur. Et præd' W. F. cum quadam tendire vocat' a *bedge* Will, quam ipse in manibus suis tunc tenuit ipsum I. adtunc & ibidem percussit & ipsum A. B. ad interficiend' & murtherand' præd' I. adtunc & ibidem felonice auxiliavit. Et sic A. B. predicto die anno & loco præd', præd' I. W. felonice murther & interfecit : & qd' H. W. de P. in comit' præd' geñ sciens præd' A. B. præd' feloniam & murtherm prædict' in forma præd' fecisse apud L. & alibi in dicto comit' decimo die &c. eundem A. B. felonice recepit contra pacem &c.

Accessory.

An Indictment of Trespasse for breaking and entering into a close.

Secl. 302.

Inquiratur pro dñā regin', si I. S. de N. in comitatu N. decimo die Ianuarij anno &c. vi & armis &c. clausum A. B. de H. apud F. in comitatu præd' fregit & intrauit & herbam A. B. ad valenc' x.s. ibidem nuper crescentem quibusdam auerijis depallat fuit conculeauit & consumpsit. Et alia enormia ei intulit ad graue damnum ipsius R. G. & contra pacem dñe reginæ Coronæ & dignitat' suas.

An Indictment for lying in wait to kill one, and for assaulting, beating, and wounding of him, and for entering into and breaking of his close.

Inquiratur pro dña Reg. si R.C. de B. in com N. l. abozet, 8. die &c. ann &c. apud B. præd iacuit insidijs ad interficiend W.S. de T. in com pñ pñ dñm, & in ipsum ad tunc insultu fecit, verber, vulnerauit, et male tractauit ita quod de vita eius desperabatur. Ac etiam si præd G. & R. vxor eius 30. die Octob. anno supradicto clausum ipsius W. apud B. præd fregit & intrauerunt & herbam suam ad valenc' &c. ibidem crescen' cum quibusdam auerij depastat fues conculcauerunt & consumpserunt contra pacem &c.

Sect. 303.

An Indictment of Trespasse for breaking and entering into a close, and cutting downe a Tree in the said close.

Inquiratur pro domina Regina, si A. B. de C. in comitatu L. clericus et W. D. de ead villa et comit Clericus quarto die Augusti An. &c. clausum A. B. de M. in comit pñ fregit & intrauerunt et fraximos ipsi A. B. ibid crescen' ad valenc' 40. s. succiderunt & asportauerunt ad graue damnum &c. ac contra pacem &c.

Sect. 304

An Indictment for a Riot committed by many upon two, and for beating and wounding of them, upon the statute of Anno 2. R. 2. cap. 7.

Inquiratur pro domina Reg. si A. B. nuper de M. in comitatu M. pñ man, aggregatis sibi quampluribus malefactoribus & pacis dñe Reg. perturbator ignot ad numerum &c. modo guerrino arraiat sexto die Iunij Anno &c. apud S. in comitatu præd riotose et robrose se illicite congregauerunt & coadunauerunt et tunc & ibidem in R. W. & W. P. ipsos interficiend' insultum fecer, & ipsos R. & W. tunc et ibidem verberauerunt vulnerauerunt et male tractauerunt, per quod de vita sua desperabatur contra pacem domine Regine &c.

Sect. 305.

An Indictment against two for assaulting of one, and for taking of four kine from him that he had taken damage feasant in his land, and was carrying of them to the pound.

Inquiratur pro domina regina, si I. L. de B. in comitatu S. pñoman, & I. L. nuper de eadem villa in comit præd decimo quinto die &c. apud B. præd vi & armis in & super I. D. insultum fecerunt & ad tunc et ibidem quatuor vaccas, quas in et super terr suam damnum facien cepisset & seruandum consuetud villæ præd ibidem imparcari voluisset ab eodem I. G. riotose ceperunt et ab inde contra eius voluntatem abduxerunt contra pacem domine Regine &c.

Sect. 306.

An Indictment for a rescous made against the Sheriffes Bayliffes of one by them arrested by force of the Queens writ: and for the taking away & detaining of the said writ.

Inquiratur pro dña Reg. si R. W. de D. in com L. die &c. Anst &c. apud D. pñ in com præd vi & armis &c. in & super B. C. & I. H. balliuos itinerant

Sect. 307.

Indictments and

itinerant T. vic' I. rescissum fecerunt & quend' T. T. quem p'd B. C. et I. H. virtute brevis dict' dñx Reg. p'd vic' direct' cepissent et attachiaffu. issent ab eis: em B. C. & I. H. et extra coru custod' ceperint: et etiã breue pred' ab eis d' balliuis itinerant custodiuit et detinuit et adhuc detinet in malum exemplũ toti' populi dñx reg. ibid' ppe commorantis ac cõra pacem &c.

An Indictment of manslaughter committed by two, and one as accessaries after the manslaughter done.

Sect. 308.

Inquiratur pro domina reg. si S. W. de L. in com E. fabricat & W. S. de C. in com p'd yeoman, 2. die Aprilis Ann regn Eli. &c. 6. in A. B. de C. in com pred' operarium apud C. p'd insultum fecer, et ipsum A. B. ad tunc et ibid' idẽ S. W. cũ quodã gladio quẽ dict' A. in manu sua dextra tenuit in collo ipsi' I. percussit, de quo ictu pred' I. interijt ac moriebatur. Ac idem S. W. eundem A. B. inuen cũ dicto gladio ad tunc et ibi grauit' vulnerauit: de quib' quid' vulnerib' et ictib' idem Linexrijset si nõ ingerijset de p'd vulnere in collo pcut Et p'd W. S. cũ quad' tendite voc' a sojett Will, quam ipse in manib' suis tenuit ipsum I. ad tunc & ibid' percussit & ipsum W. S. ad interficiend' & murdrand' pred' I. ad tunc et ibidem felon' auxiliauit: Ac sic S. W. p'd I. die Ann. et loco p'd felon' murdrauit & interfecit: Et p'd L. B. nuper de &c. in com &c. gen' sciens p'd S. W. felon' & murdrum p'd in modo & forma pred' sic fecisse apud E. & alibi in dicto com decimo die &c. eundem A. B. felon' recepit contra pacem dñx Reg. coron' & dignitat' suas.

Accessorie.

An Indictment against two, for bearing of these words spoken by one viz. A vengeance on the Queen, and of such false counsell. And then declaring of the same to the Sherife of the shire,

Sect. 309.

Inquiratur p dñā regin', si W. I. de S. in com N. clericus die &c. apud W. p'd deũ prae oculis nõ habens & ligeantiã debet minime ponderas falso et proditor vt falsus pditor et inimicus ipsius dñx Regin' dict' die & an. apud N. p'd corã A. B. & C. D. de E. in com pred' yeoman, obstinate et malitiose dixit & ppagauit hæc verbo sequetia in Anglican' verbis (*A vengeance on the Queen and of such false Counsell*) tam contra ligeanc' & pacem dñx Reg. quã cont' formã Statuti in huiusmodi casu xdiẽ & pui. Et sic p'd A. B. et C. D. sciens pred' I. dicta verba proditor locut' fuisse, falso & pditor contra ligeanc' debet suam conclauerunt et secrete custodiet contra pacẽ dñx Regin' et contra formã Statuti in huiusmodi casu xdiẽ et prouis. vsq; ad primũ diẽ Martij Ann' &c. q' dicti A. B. & C. D. dicta verba sic pditor per dict' I. loquunt coram N. S. milite vicepuniti com p'd ac R. S. gen' renulerunt et ostenderunt.

Concealing.

An

An Inquisition taken before a Coroner upon the view of the body dead, how he came to his death: In which it is found that he died of a fever or ague by the visitation of God, and not otherwise.

Inquisitio capta apud S. in comitatu S. vicesimo die &c. Anno &c. coram Sect. 310
I. B. vno coronatorum dictarum domini Regis in comitatu predicto super visum corporis A. B. nuper de E. in comitatu predicto Husbandman, ibidem iacentis mortui per Sacramentum &c. Qui dicunt super sacramentum suum quod ita accidebat apud G. predicti die &c. an. &c. quod predictus A. B. egrotabat apud G. predicti de Febri in decimo die Aprilis vsque ad vicesimum diem mensis eiusdem, Quo quidem die ex Febri predicti et visitatione dei adtunc & ibidem predictus A. B. circa horam decimam eiusdem diei ante meridiem obiit. Et Iuratores predicti dicunt, quod predictus A. B. ex nullo alio morbo egritudine aut infirmitate ad mortem suam deveniebat sed hæc est causa mortis sui & non aliter. In cuius rei testimonium huic inquisitioni tam predicti Coronator quam Iurati predicti sigillatim sua apposuerunt.

An Inquisition found before a Coroner upon the view of the body dead, in which it is found that S. A. being keeper of the Earle of Pembroke his park, finding one hunting in the same park required him to stand and yield himselfe, he neuerthelesse defended himselfe and would not yeelde: whereupon the park keeper, with a forest bull with a thrust in the breast killed him.

Inquisitio iudicialis capta apud **Sarefield** in comitatu S. nono die Februarii Anno &c. per sacramentum &c. Qui dicunt super sacramentum suum, quod cum quidam S. A. parcarius prenobilis W. comitis Penbrochiz parceret suæ de Ponsburie in comitatu predicto vicesimo die Ianuarii Anno regni dictarum dominarum Regum quarto, circa undecimam horam eiusdem diei inueniebat predictum Th. H. in parco predicto venantem & vagrantem ad damnum ibidem faciendum. Et predictus Th. H. post clamorem per predictum St. adtunc et ibidem leuatum ad pacem dictarum dominarum Regine ad standum rectorum reddere se nolebat sed ad malitiam suam exequendum et continuandum & pacem dictarum dominarum Regine diffugiendum, vi & armis tunc & ibidem sedesendebat predictus St. A. adtunc & ibidem veniens ad eundem malefactorem sic inuenit arrestandum & capiendum cum quadam tendite Anglie vocata a **Forest Will**, quam predictus S. A. in manu sua dextra tenuit predictus Th. H. vi et armis resistentem adtunc et ibidem in pectus ipsius Th. percussit, de quo quidem ictu idem Th. H. primo die Februarii tunc proximo sequenti apud **Sarefield** predicti in comitatu predicto obiit. Et Iuratores predicti ulterius dicunt super sacramentum suum, Quod predictus S. A. non occasione alicuius discordie contumelie aut alicuius malevolencie siue odij precogitavit sed solummodo ob causam predictam

Indictments and

tam & non aliam præd T.H. percussit vt prefertur: In cuius rei testimonium &c.

An indictment of Confederacie or Combination by oath against the Queen and others.

Sect. 312.

Inquiratur pro domina Regina, G. Io. H. de B. in comitat Lincolnæ yeoman, & W. P. de G. in comitatu præd yeoman, E. F. de G. in comitat præd yeoman, die Lunæ proxime post festum Sancti Michaelis Archangeli obligauerunt, & fides suas mutuas insimul dederunt iurauerunt & sacramenta sua super librum prestiterunt, quod in alto & basso iusticia & iniusticia iure & iniuria se ad inuicem tenerent & in omnib' occasionibus querelis & demand quibuscunque cont' ipsos vel quemlibet eor' mouend' ad sectam domini regis seu alicuius alterius partis et combin' & confeder' cont' dict' dominam Reg. & cunctum populum suum, in magnum preiudicium & lesionē totius populi dict' dominæ Regin' et contra formam statuti in huiusmodi casu edit' & prouid'.

An Indictment upon the statute of Maintenance, for the maintaining of one in an action of Formedon en descender.

Sect. 313.

Inquiratur pro domina Regina, quod cum in statuto in Parlamento apud Westm' nuper edit' inter cetera continetur, quod nulla person' de regno dnæ Reginæ Angl' cuiuscunque status gradus siue conditionis fuerit, aliquam querelam in aliqua curia nec alibi manuteneat, nec sustineat super pœnam imprisonmenti & faciend' dnæ regin' finem & redemptionem ad voluntatem ipsius dominæ reginæ prout &c. Quidam tamen P. M. de P. in comitatu N. yeoman, statut' predict' minime ponderans quandam querelam cuiusdam loquelæ quæ E. in curia dominæ regin' nunc Elizab. coram Iusticiarijs dict' dominæ Regin' de comuni banco Westm' per breue ipsius dnæ regin' de *Forma donationis en descender* inter R. G. petent' et N. A. tenent' de quinque acris terræ &c. cum pertinet in C. pro parte ipsius N. tenend' secundo die Aprilis an. &c. apud N. in comitatu p'd' manutenuit & sustentauit, & adhuc sustentat in dictæ dominæ reginæ nunc contemptum, ac contra formam statuti, & contra pacem dictæ dominæ reginæ.

An Indictment of Forcible entre upon the statute of Anno 8. Hen. 6.

Sect. 314.

Inquiratur pro domina regina, Quod cum in statuto in Parlamento dñi Henrici 6. nuper Regis Angliæ apud W. Anno regni sui octauo tenē edit' inter cetera continetur. Quod si aliqua persona de aliquib' bus

bus terris vel tenementis manu forti expulsa sit vel disseisit vel pacifice expellat & postea manu forti extrateneatur vel per aliquod seofamentum vel discontinuationem inde post talem ingressum ad ius possessoris defraudand' et tollend' aliquo modo fiat, habeat pars in hac parte grauaf versus talem disseisitorum Assisam noua disseisinæ vel breue de transgressionem, Et si pars grauaf per Assisam vel actionem transgressionis recuperet per veredictum vel alio modo per debitam legis formam inueniatur, Quod pars defendens in terris vel tenementis vi ingressa fuit vel ea per vim post ingressum suum tenuit, recuperabit querens damna sua ad triplum versus defendentem. Et ulterius finem & redemptionem ad dominam reginam faciat prout in statuto plenius apparet: Quidam tamen I.D. de D. in comitatu prædicto *Wreoman*, & R.S. de eodem comitatu *Wreoman*, Statutum prædictum minime verum primo die Maij anno &c. apud D. prædict' in comitatu prædicto quendam W.S. de vno mesuagio siue tenemento cum pertinentijs in D. prædict' per mandatum W. Bulh manu forti expellauerunt & disseisuerunt ac ipsum sic expulsum & disseisit à prædict' primo die Maij vsque diem captionis huius Inquisitionis extratenuerunt et adhuc extra tenent, contra pacem domine reginæ coronam & dignitat' suas, & contra formam statuti in huiusmodi casu editi et prouisi.

An Indictment for shooting in a Handgunne, against one that may not dispend a hundred pounds per annum.

Inquiratur pro dña regina, qd cum I. R. de W. in comitatu prædicto *Sect. 315.* Ingenuos, non habens terras tenementa feod' vel Annuitates ad vsum suum proprium annui valoris centum librarum nono die Iulij anno reg' regis Richardi primi apud S. in coram M. sagittauit in quodam tormento voc' a *Handgunne*, contra statutum in huiusmodi casu edit' & prouisum.

The Title of the generall Sessions of the peace, in the countie of Chester.

¶ Sessio pacis generalis dñæ reginæ tunc apud Cestr' in comitatu Cestr', videlicet, quarto die Maij, anno reg. dñæ Elizabethæ, Dei gratia Angliæ, Franciæ, & Hyberniæ reginæ fidei defensoris &c. decimo, coram S.H.D.L.S.E. & alijs Iusticiarijs pacis in comitatu prædicto.

Inquisitio capta ibidem per sacramentum R.M. de &c. Qui dicunt super sacramentum suum, quod cum in statuto &c.

Indictments and

The Traverse of an Indictment of forcible entry.

PRO A.B. C.D. E.F. versus dominam reginam in travers super Indictament.

¶ Et prædicti A.B. C.D. & E.F. per I.B. attornatum suum veni & dicunt, quod dicta domina regina nunc ipsos seu aliquem ipsorum actione Indictament prædicti gravare seu impetere non velit aut debet: Quia protestand quod Indictament prædicti minus sufficiens in lege existit ad ponend ipsos respondere, pro placito tamen seperatim dicunt quod quoad vi & armis, & quicquid quod est contra pacem dictæ domine Reginæ, necnon ad intracionem, disseisinam, expulsionem, extratencionem, & quicquid quod est contra formam statuti prædicti iidem A.B. C.D. & E.F. dicunt quod ipsi in nullo sunt culpabiles modo & forma prout per indictament prædicti superius supponitur. Et de hoc ponunt se seperatim super patriam: & R.C. armiger qui pro domina regina hic in hac parte sequitur, pro ipsa domina regina similiter &c.

An Indictment for making of false gold at Roan in France, and for uttering of it in England.

Sect. 316.

INquiratur pro domino rege & domina regina, Quare cum in statuto in parlamento dictorum domini regis & domine reginæ nuper tent apud Westm duodecimo die Novembris annis regnorum dicti domini regis & domine reginæ, primo & secundo auctoritate eiusdem parlamento inacta & ordinata fuit. Quod si aliqua persona siue aliquæ personæ post vicessimum diem Januarij extunc proximi sequenti introduceret siue introducerent à partibus transmarinis in hoc regnum Angliæ vel in aliquod dominium huius dicti regni Angliæ, aliquas falsas & contrafactas cuneas monetas siue pecunias de auro aut argento alicuius alterius regni, non existent de proprijs cuneis, monetis, siue pecunijs de hoc regno Angliæ, scientes prædicti cuneas, monetis, siue pecunias, fore falsas & contrafactas, Ea intentione ad vterand siue solvend prædictas falsas contrafactas cuneas, monetas, siue pecunias, infra hoc regnum Angliæ & dominij eiusdem regni per merchandisas vel aliter. Quod tunc talis persona siue personæ sic ut prædicti est offendentes & eorum conciliatores, procuratores, auxiliatores, & abettatores in tali casu, existimati erunt & abiudicabuntur fore offenditores in alta prodicione. Et quod prædicta persona siue personæ offendentes, & post eorum legumnam convictionem siue attestationem subibunt tales penas mortis & forisfacturas terrarum, bonorum, & catallorum suorum, sicut alij offendentes in casibus alte prodicionis, prout in eodem statuto satis aperte declaratur: Quidam tamen H.S. nuper de Hallifax in com Ebor Merch, alias dicti H.S. de Halkifax in com E. Merch post prædicti vicessimum diem Januarij, & post ordinationem statuti prædicti, viz. vndecimo die mensis Novem-

Nouēb. annis regnōrum Philippi & Mariæ dei gratia Regis et reg. Hifpaniarū, Franc', Angl', vtriusq; Cecilie, Ierusalem, & Hybern', fidei defensorum, Archiduc' Austriæ, Duc' Burgundiæ, Medowlan, & Brabant', Comit' Haspurgij, Flaundr', & Tirolis, tertio & quarto, numerum 16. li. & x. s. in sexaginta & sex pec' voc' **halse Soueraignes and English Crownes**, de ere, cupro, alcameno, & diuersis alijs metal-
lis infimul mixt', falso & proditorie apud Roane, & Diepe, in partibus transmarinis in regno Galliar', ad similitudinem bonarum dimid' Sufferanciarum & coronarum Auri de cuna dictorum domini Regis & dñæ reg. huius regni Angl', per quosd' falsos, pdis apud Roane & Diepe præd' in p'd partibus transmarinis falso et pdis ibid' fabricat' & contrafact' à præd' Regno Galliar' vsq; ad hoc regnum Angliæ, & ad ciuitat' Norwichiæ introduxit et introduci procurauit: Et præd' H. S. p'dictas sexaginta dimid' sufferanc' vocat' **threelcoze half Soueraignes**, ac præd' sex coronas Anglic' voc' **vi. English Crowns**, modo & forma præd' fore falsas & fabricat' secundum formam & similitudinem bonar' dimidiarum sufferanc' & Coronarum huius regni Angliæ affirmans dictas sufferanc' & Coronas illas fore de bono auro & de habili monēt' huius Regni Angliæ quinque falsas dimid' sufferanc' & vnam Coronā, vocat' **halse English Soueraignes, and one English Crown**, de p'd sexaginta & sex dimid' sufferanc' & Coronis in forma præd' ex ere cupro alcameno fabricat' et contrafact' cuidā H. B. hic apud Norwic' in comitatu præd' pro vno equo, vno gladio, & vno scuto de bonis & catallis p'dict' H. B. per ipsum H. S. de eodem H. B. ad tunc & ibidem empf, pro bona solutione falso fraudul' & proditorie ad tunc et ibidem viterauit soluit & liberauit, contra pacem &c. ac contra formam statuti &c.

An Indictment of Trepassse for breaking of a close, and destroying of Wheate then growing in the same.

[Vrat presentant pro domina Regina, quod W. C. nuper de D. in corn Sect. 317.
præd' Arm' T. B. &c. tertio die &c. vi et armis &c. Clausum I. N. apud S. in comit' præd' in quodam campo vocat' &c. fregerunt & intrauerunt & tres quarterias frumenti ipsius I. N. ad valenc' trium librar' ad tunc & ibidem crescen' cum quibusdam bigis siue carucis equis & pedibus suis ambuland' conculcauerunt & consumpserunt, Et alia enormia ei intulerunt, contra pacem dictorum domini Regis & dominæ Reg. nunc &c.

An indictment or Inquisition before the Coroner super visum corporis, of one who killed one in his owne defence.

[Inquisitio indentat' capta apud T. in comitatu Cestrie, secundo die &c Sect. 318.
anno &c. coram I. M. gen' vno Coron' dictæ dominæ Regine in comit'.

Indictments and

mit predict' super visum corporis A.B. nuper &c. ad tunc et ibidem super terram mortui iacent per sacrament' &c. I. H. &c. ac de tribus alijs villas propinquioribus, videlicet A. B. C. in comitatu predict' ad inquirend' qualiter & quomodo predict' A. B. ad mortem suam devenit qui super sacramentum suu' dicunt. Quod cum ipse A. B. decimo quinto die Octobris Anno Regni &c. quinto, circa horam septima ante meridiem eiusdem diei apud T. predict' in comitat' pred', vi & armis contra pacem dictæ dominæ Regine in quendam R. nuper de T. pred' in comit' Cestrie pred' Butcher, ad tunc et ibidem in pace dei et dictæ dominæ Regin' existens insultum fecit et ipsum R. B. cum quodam baculo vocat' a *pikefork*, quem idem A. in manibus suis tenuit, verberavit, ac super brachium suum graviter percussit, ita ut idem R. B. pro ipsius vite salvatione a pred' A. B. quantum potuit, fugit vsq; ad magnam concavum pipam voc' a *hollow like* ultra quam ipse R. B. a pred' A. fugere non potuisset. Et sic ipse R. B. seipsum, ac vitam suam defendens pred' A. B. predict' insultum assidue continens super posteriorem partem capitis ipsius A. dicto xv. die Octobris anno quinto hora & loco suprad', cum quodam baculo vocat' a *bowne* Will. precij &c. quem idem R. B. ad tunc et ibidem in manibus suis tenuit percussit, dantes ei plagam mortalem, tres pollices longam; unam pollicem latam & dimid' unius pollicis profund' : Super quam quidem plagam ipse A. B. languid' iacebat vsq; ad vicesimum diem Octobris pred', in quo quidem xx. die Octobris anno &c. idem A. apud T. pred' in comit' pred' ex ipsa plaga ei datus modo et forma pred' moriebatur. In cuius rei testium &c.

An Indictment or Inquisition taken before the Coroner super visum corporis, of one slain by misfortune, by one as he was shooting at the Butts.

Sec. 319.

Inquisicio indentat' capta apud B. in comitatu &c. die et Anno &c. contra R. H. Armiger, vno Coronatorum dictæ dominæ Regine in comitatu super visum corporis I. C. nuper de R. in comitatu pred' laborans, ad tunc et ibidem super terram mortui iacent per sacrament' I. B. senioris I. H. &c. ac de tribus alijs villas propinquioribus, videlicet, de M. R. et E. in comitatu pred' ad inquirend' qualiter & quomodo pred' I. E. ad mortem suam devenit: Qui super sacramentum suum pred' dicunt, quod cum quidam Christoph' W. nuper de civitate Cestrie in Comitatu civitatis Cestrie *Whereman*, cum multis alijs, secundo die &c. anno &c. sexto supradicto, circa horam primam post meridiem eiusdem secundi diei apud B. pred' in comitat' Cestrie predict' in pace dei ac dñæ Regine existens, ad ibidem ac metas Anglice vocat' *Buttes*, sagittas ad tunc & ibidem venit predict' I. E. ad metas predictas, ac dum

pred' C.W. ad ipsas metas intent sagittand fuit, ipse I. E. obierit & im-
presso posuit se inter metas prad' vi pred' C. W. sagittabat ad metas
pred' cum quadam sagitta precij &c. dicto secundo die Iulij, ac hora
& loco supradictis per infortunium percussit prad' I. E. in gutture dans
c mortalem plagam in profunditate duos pollices. Super quam quide
plagam ipse I. E. a prad' secundo die Iulij vsque ad quintum diem e-
iusdem mensis apud R. prad' in comitatu Cestrie prad' languidus iace-
bat, ac in eodem quinto die mensis Iulij prad' ipse I. E. apud T. pred' in
comit Cestrie pred' de pradict' plaga modo & forma pred' moriebat,ur,
Ac etiam Iuratores pred' super sacrament suum pred' dicunt, quod p'd
C. W. dicto secundo die Iulij, aut aliquo tempore post eundem secun-
dum diem mensis Iulij non habuit aliqua bona seu catalla infra predict'
com Cestrie. In cuius rei testim vtrisque partibus huius inquisit tam prad'
Coronat quam pred' Ius sigilla sua posuer die & anno primo suprad.

*An Indictment against the husband and his wife for lying in wait, and for
the assaulting, beating, and wounding of one.*

Inquiratur pro domino rege & regina, si N. B. nuper de T. in comitatu
Cestrie p'oman, K. W. vxor eius &c. 17. die &c. anno &c. apud T.
iuxta T. in com p'd in quodam loco voc' le Hall yerde, iacuerunt in in-
sidij & adtunc & ibidem insidiati fuerunt quendam R. H. & in ipsum
R. ibidem, vi & armis &c. insultum fecerunt, verberauerunt, vulneraue-
runt & maletta trauerunt. Ita quod idem R. languidus exiit' ac de vita
sua desperabat, vi & armis, & contra pacem &c.

Seet. 320.

*An Inquisition of misfall murder taken before diuers of the Iudges & others,
in Iudges of the Peace, for a murder done in Westminster.*

Inquisitio capta apud Westm' in com' Midd' vicesimo tertio die Apr
Lanno regni Eliz. &c. 16. coram I. Southcot vno Iusticiario dict' die
regine ad placita coram ipsa regina tenend assign Rob. Mounson vno
Iusticiario eiusdem domine regine de banco Gilb. Gerrard armig',
Attornatum dict' domine regine generali, Williel' P. & B. R. armig'
Iustic' dict' dñe Regine ad pacem in comitatu predicto conseruand,
necnon ad diuersas felonias, transg', & alia malefact' in eodem comitat
perpetrat audiend' & terminand assignat per sacramentum 12. Iur ex-
tunc presentat, quod R. S. nuper de ciuitat Westminster in com' Midd'
& I. T. nuper de ciuitat W. p'd in com prad' p'oman 20. die M. Anno
reg' Eli. &c. 16. vi & armis viz. gladijs, baculis, &c. circa hora text post
merid iussit diei ex malicia sua p'ogitat apud ciuit W. pred in com p'd
inqued' W. R. I. in pace dei & dict' dñe reg' adtunc & ibid exiit' insult
fecit

Seet. 321.

Indictments and

fecer & præd' R. S. cum vno gladio quem ipse præd' adtunc & ibidem in manu sua dextra habu. t & tenuit præd' W. R. I. super dextrum brachium ipsius W. adtunc & ibidem felonice percussit & dedit ei adtunc & ibidem vnam plagam mortalem profunditatis quatuor pollicium & latitudinis vnus pollicis, de qua quidem plaga mortali prædict' W. R. I. apud ciuitatem W. præd' in com' præd' die & anno suprad' instant' ter obiit. Et quod præd' I. T. præd' 19. die Martij, anno i 6. suprad' ito apud West. præd' in com' præd' felonice fuit præfens, procurans, abettans, confortans & auxilians præfatum R. S. ad feloniam & murdrum præd' in forma præd' faciend' & perpetrand', contra pacem dictæ domine regine nunc. Et sic præd' R. S. & I. T. die, anno, loco, & com' præd' præfati W. R. I. ex malitijs suis p'cogitaf felonice & voluntarie interfecerunt & murtherauer, conf pac' dictæ dñe reg' nunc, Coron' & dignitat' suas.

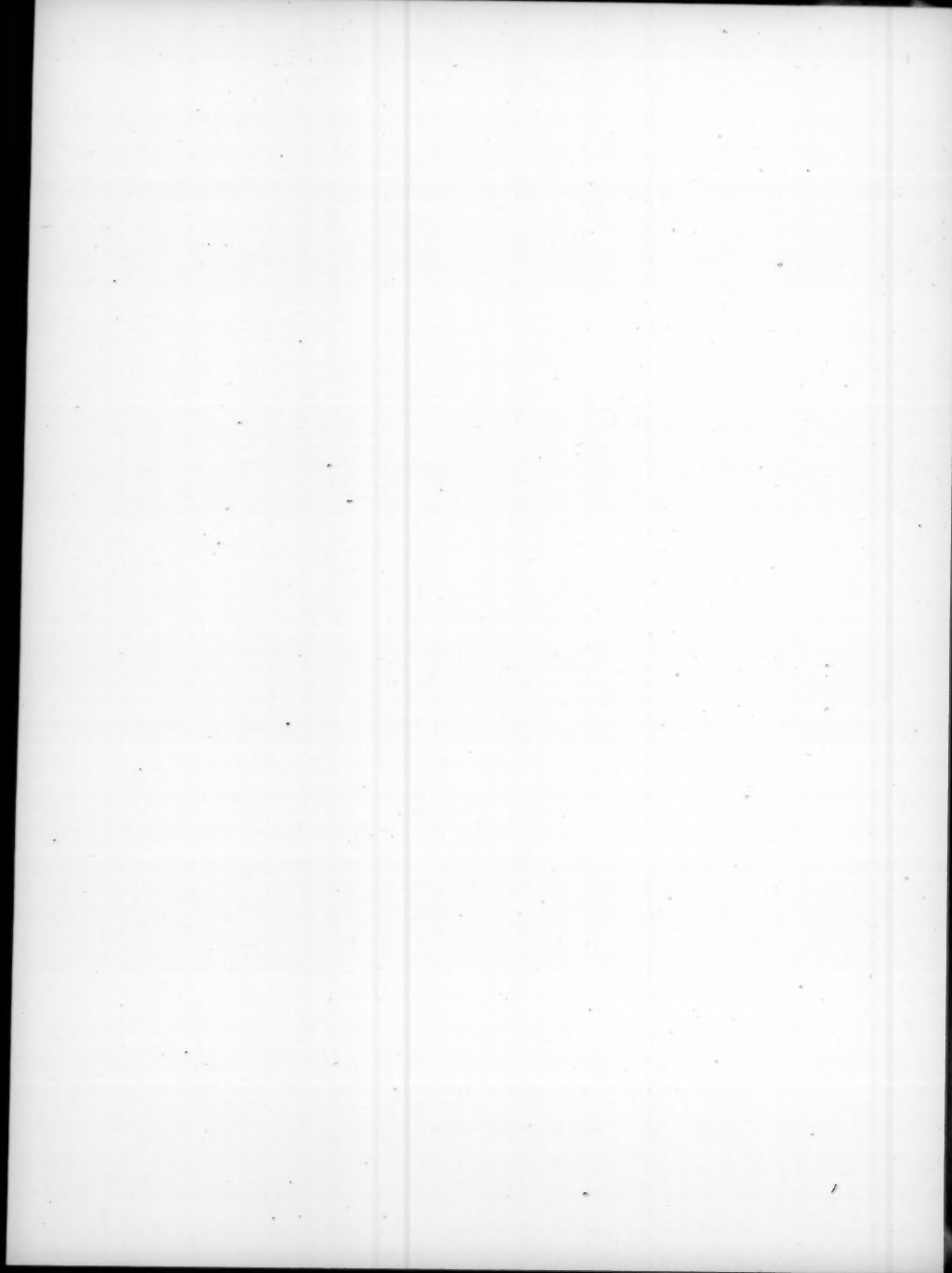
An Indictment of manslaughter against many, some for striking of the party slain, and some others for comforting, and aiding of them being present, and some as accessaries after the fact committed, and that diners of them fled.

Sect. 323.

Inquisicio capta apud Cest' infra wardam Castri domini regis ibide die Veneris prox' post festum Apostolorum Simonis & Iude, anno regni regis Rich' tertij post conquestum Angliæ secundo, coram T. H. & I. I. Coron' dicti domini reg' hund' de B. in com' Cestrie supervisum corpus I. C. felonice interfecit per sacramentum &c. Qui dicunt sup sacramentum suum, qd' T. W. nuper de M. in com' Cestrie ~~pro~~man, R. B. nuper de M. in com' Cestrie armig', N. B. nuper de M. & alij &c. die sabbati proxim' festum Exaltationis sancti Crucis, Anno regni regis R. 3. post conquestum Angliæ secundo, apud H. in comit' Cestrie in insidijs iacuerunt pro dicto I. C. ad ipsum verberand', vulnerand', & felon' interficiend' vi & armis, & contra pacem dñi regis: Et dicto die sabbati, & anno apud H. præd' in ipsum I. C. insult' fecer: Et præd' T. W. die Sab. & anno præd' apud H. præd' felonice p'cussit præd' I. C. super caput suu' usq; ad cerebrum cum quodam gladio precij &c. & dedit ei plagam mortalem vnde obiit die Veneris prox' post festum sancti Mich' arch. tunc prox' sequen' apud Cestrie præd' infra wardam Castri domini regis ibide. Et sic præd' T. W. ipsum I. C. dict' die Sabbati & anno apud H. prædict' felonice interfecit: Et quod prædict' R. B. eisdem die & anno apud H. felonice percussit præd' I. C. super tibiam sutam dextram cum quodam gladio precij &c. & dedit ei plagam mortalem vnde obire debuiisset si non obijisset de istu quam prædict' T. W. ei prius dedit. Et sic prædictus R. B. ipsum I. C. dicto die Sabbati, & anno apud H. prædict' felonice interfecit. Et quod prædict' N. B. I. H. I. M. & R. C. dicto die Sabbati &

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Anno apud H. p̄d, felon̄ fues p̄sentes auxiliantes confortantes & abbet-
tantes p̄d T. W. ad felon̄ p̄d in forma p̄d faciend' vi & armis & contr'
pacē dict' dñi Regis. Et q̄ p̄d R. B. N. B. I. H. I. M. & R. C. eisd' die
Sabbati & Ann' apud H. p̄d felon̄ fues p̄sentes auxiliantes, abbet-
tantes et confortantes, p̄dict' T. W. ad feloniam p̄d in forma p̄d
faciend' vi & armis & contra pacē dicti dñi Reg. &c. Et q̄ I. B. nup de
M. in cōm Cest̄r gen' frater R. B. milit' iam defuncti T. B. nuper de M. in
cōm Cest̄r gen' frater p̄d I. H. B. nup de M. in cōm Cest̄r sen' gen' fra-
ter p̄d T. W. B. nup de M. in cōm Cest̄r gen' fili' p̄d R. B. milit' iam de-
fuct' &c. eisd' die Sabbati & an. apud M. p̄d in cōm Cest̄r felon̄ fues vj.
auxilio, cōsilio, et abbetar̄to p̄d T. W. & R. B. ad felon̄ p̄d in forma
p̄d faciend' vi et armis et contra pacem dicti dñi regis: Et quod W. E.
nuper de E. in cōm Cest̄r gen', R. H. nuper de M. in cōm Cest̄r *yeoman*,
I. H. nuper de ead' in cōm p̄d *yeoman* &c. die lunæ proximi post fe-
stūm S. Mich. Arch. Anno reg. regis R. 3. post conquestū Angl' secun-
do apud M. in cōm p̄d felon̄ assiltauē receptauē & confortauē p̄d I.
W. & R. B. armig', scientes ipsum T. & R. felon̄ p̄d in for̄m p̄d felonie
fecisse vi & armis et cōtra pacem dñi regis. Item dicūt Iuratores p̄d,
q̄ p̄d T. W. R. B. N. B. I. H. &c. post feloniam p̄d fact' die Mercur'
p̄r post festūm S. Michaelis Archangeli Ann' supradict' Reg p̄d
ingerunt, et se eadem feloniam p̄d retraxerunt a cōm Cest̄r vsq; villam
de *Whitchurch*, in cōm Salop felon̄ vi et armis, et cōtra pacem domiñ
Regis. In cuius rei testimonium &c.

*An Indictment for keeping a bawdie house, and using of un-
lawfull games.*

Vras presentant, quod N. W. de A. & I. *Tailor*, & E. vxor eius &c. Sect. 323.
sunt cōmunes lupinā & diuersis diebus & vicibus ante diem hui' in-
quisitionē in domibus suis scituas & c. manutener hospic' lupanā nec nō
diuersas p̄son̄ suspect' ibid' ludēs ad luda illicit', viz. *tables*, *cards* &c.
et in die quam in nocte post horas debitas et legitimas ad grauamen
inhabitātiū ibidem ac malum exemplum omnium alior' ligeor' dñi Re-
gis &c.

An Indictment for keeping of euill rule.

Vrator p̄sent, p̄d W. H. de pochia S. Clemē in cōm Midd' & Ma- Sect. 324.
ria vxor eius die &c. Ann' & c. ac diūsis dieb' antea et postea hucusq;
custodierūt et adhuc custodiunt lupanariā, luxuriam, et fornicationē p̄
hominib' et mulierib' ad talia nefāda opera disposit', ac custodi-
unt communem viciū & *carding* &c. et alia illicita ad grauamē omnium
vicinor' ibid' inhabitātiū, & in malū exēplū alior' ligeor' &c. cont' pacē &c.

V. i.

An

Indictments and

An Indictment for keeping a Bawdy house.

Sect. 325.

I Vra^s presentant, q^d R. M. de &c. in co^m &c. W. H. de &c. die & anno &c. ac diuersis temporibus antea et postea apud &c. tenent custodiū occupant et frequentant in mansionibus suis ibid' communia hospitua lupanarū luxur et fornicationem, et permittunt tam seculares quam regu- lares et laicos homines et alias personas suspectas non bonæ gest^o nec fa- mæ cum meretricebus carnaliter concubere ad inagnum nocumentum totius populi dñi regis ibid' ppe commorantium et malum exemplum omnium alio^r in tali casu delinquentium nisi citius in hac pte debet pui- deat remedium, ac contra pacem &c.

An Indictment for slaundering of a Iurie.

Sect. 326.

I Vra^s dant curiam intelligi. Quod cum ipsi tali die et anno apud &c. cuncti fuerant ad inquirend' in et interloquend' de diuersis articulis et offensis super eorum sacrament' p dicto dño Rege ibi die et añ suprad' venit quidā T. B. de S. in co^m pred' vt barre^tor at et pacis domini reg. pturbator, & p^d Iuratores vili pendit & scādalizauit dicēd' sic in Ang- licanis verbis, *ffie on you false harlots, pampered knaues, & patured knaues*, ac alia minatoria et contumel' verba eisd' Iura^s dixit in magn' redargutioⁿ et vilipend' Iura^s p^d ac retardat executionē eorū iurament, & contra pacem &c.

The words.

An Indictment against a mans wife as a common Barrator and sower of dis- sention amongst her neighbours, and a common scold.

Sect. 327.

I Vratōrs presentans, q^d A. E. vxor &c. de &c. in co^m &c. non est bo- næ famæ nec conuersationē honestæ sed malę dispositionē barre^tator et pacis domini Regis pturbator: Ita qđ verisimile est facere murd^r homicid' lites et discord' ac alia damna et grauamina inter ligeos do^m Reg. ibid' pre^text pmissor, et est comun' obiurgat et blasphemat vici- nos suos, et magn' scandala eis ibid' imponit, ad magn' nociū^t omnium inhabitantū villæ pred', et perniciosum exemplum omnium alio^r in tali statu delinquent, et contra pacem &c.

An Indictment for a Rape committed by a Minister, vpon a maide of foureteene yeres old.

Sect. 328.

I Vratōres p^sentant, Quod T. Thorne^ton de &c. in co^m &c. Clericus, die et ann' &c. vi et armis, viz. gladijs baculis, &c. in I. F. ad tunc etatē 14. anuo^r apud &c. insultum fecit & corpus et ventrem pred' Io. ad tunc et ibidem manib⁹ suis felon' vulnerauit fregit & lacerauit, necnon eadem Io. cont^r voluntatē ipsi⁹ Io. ad tunc & ibid' carnalit' cognouit & felon' rap- puit cont^r pacem &c.

An Indictment against fore-stallers of the markets within the Verge.

Iuratores presentant, quod I.R. de &c. & R.S. &c. à die et anno &c. Sect. 329.
 Vsq̃ue diem captionis hui⁹ Inquisitionis apud C. in cōm p̃d infra vir-
 gam, singulare commodum suum & non vilitatē republicę indebite af-
 fectantes, blada, grana, & alia victualia quę vsq̃ue ciuitatē London & vil-
 lā Westm̃ p̃d in cōm p̃d p̃ sustentationē populi dicti dñi Regis ibidem
 venerunt & venire debuissent p̃ tempus p̃d forstallauerūt et regrataue-
 runt & indices forstallare et regratare non desistunt, p̃ q̃ blada grana &
 alia victualia multo maioris carioris et altioris p̃cij efficiuntur quam de-
 bet si forstallatores et regratores hñdi non fuissent, in dicti dñi Regis
 nunc contemptum et ligeorum suorum maxime dispendi et grauamen,
 ac contra form⁹ diuersorum statutorū in hac parte ædif, ac contra pacē &c.

*An Indictment against a Gaoler (for enlarging of one committed to prison)
 within the Verge upon suspicion of felony without warrant.*

Iuratores p̃sentant, q̃ W.H. de &c. die & Anno apud S. p̃ed in cōm Sect. 330.
 p̃d infra virgā cepit & arrestauit quendam R.E. nuper de &c. p̃ sus-
 p̃eptione felonix et ipsum R. ad tunc & ibid⁹ in p̃irsona dñi Regis sub
 custod⁹ sua p̃ feloniam p̃d p̃ spacium vnus horæ detinuit: Et postea die
 et anno supradict⁹ p̃d W.H. p̃d R.F. apud S. p̃d in cōm p̃d infra virgā
 felon⁹ voluntarie & volenter ad largum suum ire permisit, contra pacem
 &c.

An Indictment against a mans wife, for stealing xx.s. in money.

Iuratores presentant, q̃ I.W. vxor &c. de &c. alias dict⁹ I.W. de E. p̃d Sect. 331.
 in cōm p̃d Spinster, die & ann⁹ &c. vi et armis &c. xx.s. in pecunijs
 numeratis de bonis & denarijs I.B. apud E. p̃d in cōm p̃d ad tunc & i-
 bidem inueni⁹ folon⁹ furat⁹ fuit cepit & asportauit, contra pacem &c.

*An Indictment against a wife for stealing 60.li. in money, and against
 another as accessorie.*

Iuratores p̃sentant, quod Io.W. vxor &c. alias dict⁹ Io.W. de F. p̃ed Sect. 332.
 in cōm p̃d Spinster, die ann⁹ &c. lx.li. in pecunijs numerat⁹ de bonis
 & denarijs I.B. apud E. p̃ed in p̃ed camer⁹ ad tunc & ibidem inueni⁹
 felon⁹ furata fuit cepit et asportauit contra pacem &c. Et quod W.W.
 nuper de E. in cōm p̃d Butcher, sciens p̃ed Io.W. felon⁹ p̃d in forin⁹ p̃d
 fecisse eandem Io. dictis die Anno & loco felonice confortauit auxilia-
 uit & recepraui, contra pacem dicti dñi Regis &c.

Accessory.

Indictments and

An Indictment for stealing of three mens Coats.

Secl. 333. IVrat^s presentant, quod T. S. & W. H. de &c. in com' &c. die, an. &c. vi et armis &c. tres tunicas viriles de panno laneo coloris **Matney**, ad valentiā &c. de bonis et catallis cuiusdā hōis ignoti apud H. in com' Midd' ad tunc & ibid' felon' furat' fuit cepit et asportavit contra pac' &c.

An Indictment against an Heretike, for using of words.

Secl. 334. IVratores presentant, q' T. M. de &c. est homo diabolicus et communis hereticus fidem Catholicam et observantiā eiusd' magnopore machinās et contemnēs. Et q' ipse tali die et An' &c. apud p'd' parochiam in p'sentia diuersor' subdito' ac ligeor' dict' dñi Regis hæc verba scandalo-
sa et hereticalia, dixit, retulit, et p'palauit: Christ neuer died noz shed his blood for vs, but onely for them that were in Limbo patrum, and as for ymages in the church they be but ydols. cū multis alijs verbis scādalosis et hereticalib' in contemptu fidei Catholicæ ac in p'nciosum exemplum omnīū aliorum ligeorū dict' dñi regis ac contra pacem &c.

An Indictment for breaking of a house, and taking out of a Chest in the house seven pounds in money.

Secl. 335. IVrator' p'sentant, quod R. T. de &c. et I. C. de &c. tali die & anno vi & armis &c. domum T. P. apud pred' villam in com' pred' fregit & septem libras in pecunijs numeratis de bonis et denarijs pred' T. in cista p'd' existē ad tunc et ibid' extra cistam p'd' felon' furat' fuerunt ceperunt & asportauerunt contra pacem dict' dñi regis &c.

An Indictment for a mayme in both the hands.

Secl. 336. IVrator' p'sentant, q' cū H. P. de &c. tali die & añ apud C. p'd' in quodā loco voc' E. fuit in pace Dei et dict' dñi regis dict' die & anno apud C. pred' in pred' loco voc' E. venerunt A. B. C. D. & E. F. de &c. & in dictum H. P. ibid' insultū, vt felones dicti dñi Regis insidiant' & exinsultu p'meditat' p' mandāt' & p'curationē P. P. de &c. fecerunt: Et p'd' A. B. cum quodā baculo ad valenc' &c. quē ipse in manibus suis ad tunc et ibid' tenuit p'd' H. P. sup' dextrā manū suā ad tunc et ibid' felon' percussit & ipsum H. P. ad tunc et ibid' vulneravit et felon' mahemauit sic q' venæ et nervi eiusd' dextræ manus retract' et mortificat' deuener', p' q' pred' H. P. auxilium et potentiā dextræ man' p'd' totaliter amisit. Et pred' C. D. cū vno alio baculo ad valenc' &c. quē ipse in manib' suis ad tunc et ibid' tenuit, p'd' H. P. sup' sinistram manū ad tunc & ibid' felon' percussit et ipsū H. ad tunc et ibid' dem verberavit vulneravit et felon' mahemauit sic q' venæ et nervi eiusdem manus sinistræ retract' et mortificat' deuener', p' q' idē H. P. vim auxiliū et potentiā eiusd' sinistræ man' totaliter amisit cōt' pac' &c.

An

An Indictment upon the statute of Anno 5. R. 2.

I Vrat presentant, quod cum in statuto in Parlamento dñi regis Rich. Inuper Reg. Angliæ secundi apud Westm Anñ regn' sui quinto tenē redit inter alia ordinat' sit, Quod nullus faciat ingressum in aliquibus terr' siue teneñcis nisi in casu vbi ingressus ei datur per legē, et in illo casu non manu forti nec multitudine gentium sed licito et quieto modo tantum. Et si quis in contrarium fecerit et inde debito modo conuict' fuerit p imprisonment corporis sui puniatur, et ad voluntatem dñi Reg. redimatur, put in eodem statuto plenius cōtinetur. Quidam tamen I. S. de &c statutum p'd minime ponderans nec poenam in eodem contentē, die &c. Anñ &c. in quoddam tenement' cū pertineñ et quatuor acē terr' cuiusdam I. B. apud H. p'd in com' p'd in quo eidem Iohanni ingressus non datur p legē ibid' ingressus fuit, in dicti domini reg' contemptum, Ac contra form' statuti p'd.

An information wherein the partie desireth the good Abearing against one.

D At est curiæ intelligi p relationē & testimonium I. P. T. I. et alior, quod R. M. de S. in com' &c. est communis Barrektor & pacis dñi Regis perturbator vocand' vicinos suos *Theeves, knaves*, & alia huiusmodi ignominia, nec non communis furator bosci: Ita quod verisimile est murdrum homicid' lites & discord' inter vicinos, ibidem indices oriri nisi citius provideatur inde remedium ad motionem omnium inhabitantium in villa p'd ac in malum exemplum omnium aliorum ligeorum domini Regis.

An Indictment against one for keeping of vagabonds, whores, and idle lew'd, suspected persons, and euill rule in his house.

I Vrat p'sentant, quod T. E. de &c. in doma sua continue recipit hospitā et supportat vagabond' meretrices & alios diuersos homines ociosos suspect' & malæ conuersationis. Et continue custod' malam regulam & gubernationem in domo sua ad graue nocument' & perturbationē omnium vicinor' suorum, ac contra formam diuersorum statut' &c. ac contra pacē &c.

An Indictment for breaking of a close, and drining away of Cattell out of the close.

I Vrat presentant, q' T. S. de &c. die & anñ &c. vi et armis &c. clausum I. D. apud H. p'd frugerunt & intrauerunt & aueria ipsius I. D. adtunc & ibid' depascat' ceperunt & abinde fugauerunt contra pacein &c.

An Indictment for Trespasse for breaking of a close, and eating of the grasse with cattell.

I Nquiratur &c. si A. B. & C. D. de &c. die & Anno &c. vi & et armis &c. clausum E. F. apud W. predict' in com' predict' frugerunt & abinde depascat' ceperunt & abinde fugauerunt contra pacein &c.

Indictments and

& intraueſt et herbam suam ad tunc & ibidem cum quibusdam auerijſ suis, viz. equis vaccis et bobus depaſcaſ fueſ conculcaueſt & conſumpſerūt contra pacem &c.

An Indictment for breaking into a close, and treading downe the grasse.
Seſt. 341. **I**nquiratur &c. ſi A.B. de &c. die & ann' &c. vi et armis &c. clauſum D.E. apud C. p̄d in coſm p̄d fregit & intrauit & herbam suam ibidem ad valenc' &c. pedibus ambuland' conculcauit et conſumpſit. Et alia enormia &c. ad graue damnum &c. & contra pacem &c.

An Indictment for breaking of a close, and cutting downe of trees and underwoods.

Seſt. 342. **I**uratores preſentant, q̄ A.B. nuper de C. in coſm &c. die et ann' &c. vi et armis &c. clauſum D.E. apud C. p̄d in ceſn p̄d fregit, et intrauit, & arbores, et ſubſcoſ ſuos ad valenc' &c. ibidem nuper creſcen ſuccidit et aſportauit ad graue damnum &c. ac contra pacem dicti domini Regis &c.

An Indictment for taking of a Cade of ſprats by extortion, without any warrant or cauſe ſo to doe.

Seſt. 343. **I**nquiratur &c. ſi W.B. de &c. tali die & aſi apud S. p̄ced in contemptu domini Regis et per extorcioſ arreſtauit et abduxit bona & catalla cuiuſdam T.H. viz. quendam cadam, voc' a cade of ſprats, ad valenc' &c. de bonis & catallis ipſius T. apud S. p̄d ad tunc et ibidem inuenit abſq; war' ſeu cauſa rationabili cepit et aſportauit in contemptu dicti domini regis, ac contra formam ſtatut' &c.

An Indictment for not repaying the pauement of a highway, which ought to be repayed by a biſhop.

Seſt. 344. **I**uratoſ preſentant, q̄ pars regie viæ apud S. in coſm p̄d in quantitate viginti pedum iacen' & exiſten' exoppoſito certis terris ſine teneſicis dñi Epilcopi Ceſtri ibidem eſt ruinola p̄ defectu reparationis pauiaſnt ibid' ad graue et commun' nocument' populi domini reg. Et q̄ p̄d Epus debet facere et reparaf p̄d pauiaſnt ex ſuis p̄prijs expenſ. et iuxta form' ſtat' &c.

An Indictment againſt the Prior of Saint Iohns Ieruſalem, and the Maſter of the Sauoy, for ſtopping of a common Sewer.

Seſt. 345. **I**uratoſ preſentant, p̄ dño Rege q̄ Prior hoſpitalis S. Iohannis Ieruſalem, et maſter hoſpitalis de Sauoy, obſtupant et quilibet eorum obſtupat curſam aquæ de le common Sewer apud S. p̄ced in coſm p̄d q̄ debet et a tēpore quo non extat memoria conſueuit habere curſum et recurſum ſuū a terra p̄d Prioris vſque ad terrā p̄d maſtri hoſpitalis de Sauoy p̄d & ab inde vſq; ad Thameſin : Ita q̄ p̄ defectu hñdi curſus aquæ ibidem non poteſt fluere neque refluere ſed in tempore pluuiali p̄ced

pred regiam viam sæpe superfluit p defectu mundationis eiusdem, ad graue & commune nocumentum populi domini Regis &c.

An Indictment against a Bishop and Churchwardens, for not repairing of a ruinous and broken bridge.

I Vrat presentant &c. q communis pons apud Strond &c. adeo ruinofus & contractus exultit p defectu reparationis eiusdem pontis q homines per pd pontem itinerantes absq; magno periculo non possunt itinerare ad graue et comune nocumt populi dñi regis. Et q dñ Episcopus Cest et gardiani ecclesie pochialis beate Marie virginis de S. pd p tēpore existentes debēt reparare, sustentare & manutenerē, et quilibet eorum p parte sua debet reparare sustentare & manutenerē pred pontem ex suis proprijs custagijs, et expens. viz. pd Episcopus ex parte occidentali eiusdem pontis & prefat gardiani ex parte orientali.

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An Indictment for stopping and enclosing the Kings high way with hedge and ditch.

I Vratof presentant, q A. B. de &c. vj. die Aprilis &c. vi & armis &c. regiam viam apud &c. tam follat quam sapi iniuste obstupauit et includit: Quæ quidē via iacet in vico voc' &c. et extendit se vsq; regiam viam apud hospitalē S. Cornelij, ita q hoīes neq; pedestres, neque equestres p pd viā pertransire possint. Et q pd via debet et a tempore quo nō extat in memoria solebat esse communis via quousq; A. B. illā in formā pd fecisset contra pacē &c. ad graue damñ et communē nocumt legeor dicti dñi reg'.

Sect. 347.

An Indictment for killing of one in his owne defence taken super visum corporis.

Inquisitio capē apud D. in com pd die et añ &c. coram R. T. vno coronat dicti dñi Reg. in com pred de et super visum corporis A. B. de C. in com pd weoman, ibidem iacen' interfecti ac mortui, eiusd A. B. p sacramt xij Qui dicūt super sacramēt suum, q vbi quidā I. G. nuper de &c. in com pd Wusdand, fuit in pace dei et dicti dñi Reg' nūc apud C. pd 4. die Maij, Añ &c. circa horam quartam post meridiem eiusd diei venit pd A. B. ex malitia sua pēgitata et in ipsum I. G. adtrūc & ibidē insultū fecit et ipsum ibidē verberasse et interfecisse voluit continuand' insultū illū. a domo cuiusdam T. B. in C. pred vsq; quendā locum voc' &c. in pd. Et idē I. G. videns ipsum A. B. tā malitiose disposit fugit vsq; quēdā murū in dict' loco voc' B. quē murū ob metū mortis sue euader' nō potuit, sicq; idē I. G. in saluationē vitē ei' erga pē A. B. remanebat ad

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Indictments and

se defendē erga ipsum A.B. et cum quodam cultello voc' a *wood knife*, precij &c. quod tunc tenuit in manibus suis in defenſa ſua eundem A.B. ſuper ſiniſtram partem capitis ſui percuffit, dando eidem A.B. tunc et ibidem quendam ictum vnde idem A.B. languebat vſque horam decimam in nocte prædicti diei, qua nocte idem A.B. obiit. Et ſic idem I.G. ipſum A.B. ad tunc et ibidem ſe defendendū interfecit. In cuius rei teſtū &c.

An Inquiſition taken before a Coroner of the death of a man which was ſlaine by one Se defendendo.

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Dicunt ſuper ſacrament ſuum, q̄ accidit die anno et hora infraſcripte apud Weſtū infra content, q̄ contentio exorta fuit inter infranominat &c. verbis contumelioſis & opprobrijs ex parte ipſius W. motis: Ita quod idem W. vi et armis in prædictum W.R. tunc ibid' inſultum fecit, et ipſum ibid' verberauit vulnerauit & ipſum interfeciſſe voluiſſet, ſuper quo idem W.R. ab ipſo W. in quantum potuit ſe extraxit et vſq; quandam ſepem ex parte boreali cuiuſdam cāpi ibid' fugit, vltra quam nullo modo euadere potuit, et ex ea cauſa idem W.R. vltcrius non potuit fugere abſq; periculo mortis. Et p̄d' R.W. cūd' W.R. velociter & furioſe in ſequit' fuit ad ipſum interficiendū inſul' p̄d' malitioſe cōtinuād. Sup quo idem W.R. percipiens ſe nullo modo viuū inde euadere poſſe niſi ſe melius defenderet ad p̄d' R.W. ſe reuertebat, et eund' R.W. cum baculo infraſcripte ſuper caput ſuum pcuſſit et dedit ei plag' infraſcripte ſeiſpſum W.R. legitime defendendū, vnde idem R.W. inſtanter obiit. Et ſic idem Iuratores dicunt q̄ præd' W.R. non interfecit p̄d' R.W. ſeloſū nec ex malitia pcogitat' ſed ſeiſpſum defendendo vt ipſe qui mortem ſuam p̄p̄iam alias euadere non potuit. Et quod idem W.R. nulla habet bona nec catalla.

An Indictment for a riotous reſcous of cattell, taken damage feaſant.

Sect. 350.

Iuratores, preſentant quod cum R. B. tali die & anno &c. legitime fuit poſſeſſionat' de & in manerio de H. cum pertinen' in W. in coſū &c. idem R. eiſdem die & Anno apud W. prædict' in coſū p̄dict' inuen' quædam aueria, viz. &c. in quodam campo continen' per eſtimatiōē xx. acras paſtura, parcell' manerij de C. in coſū p̄d' ibidem damnu' facientes quæ quidam aueria ſic tunc et ibidem damnum facientes I.R. & quidam T. die & Anno ſupradictis nomine diſtinctionis ad tunc & ibidem ceperunt & vſque S. in comitatu prædict' fugauerunt, vbi ſecundum legem & conſuetudinem regni Angliæ in quodam parco ibidem imparcare voluiſſent. Quidam tamen T. B. nuper de W. &c. T.C. &c. aggregatis eis ſibi quampluribus alijs malefactoribus ignotis

ignotis pacis dei & dicti domini regis perturbatorib' ad numerum &c. modo guerrino arraiat vi & armis &c. die & ann' suprad' apud S. p'd in p'd I.R. & T. route & riotose ceperunt & rescusserunt, cont' form' diuers. Itaut in huiusmodi casu nup' edit' & prouis. ac contra pacem &c.

An Indictment for maintenance in the Common pleas,

Iuratores presentant, quod cum in statuto in parlamento domini Ed. Sect. 351. nuper regis Angliæ tertij apud Westmoñ, anno regni sui viceſimo tenet edit inter cetera continetur, quod nulla persona regni Angliæ cuiuscunque status gradus se u conditionis fuerit aliquam querelam in patria nec in curia domini regis manuteneat seu sustineat sub poena imprisonmenti & faciend' dicto domino regi finem & redemptionem ad voluntatem dicti domini regis quilibet iuxta statum gradum & demerita sua, prout in eodem statuto plenius apparet. Quidam tamen T. D. nuper de &c. statut' prædict' aut poenam in eodem content' minime ponderans, die et anno &c. quandam querelam loquelæ quæ est in curia diei domini regis ad placita per billam inter quendam M. E. vid' & I. F. subuic' & T. P. vic' Midd' ad quandam transgressionem eisd' M. E. p'f. Lillaf vt dicitur p parte p'd M. in curia dicti dñi regis manutē et sustentauit, et adhuc manutinet & sustentat in dictæ dñæ reg. nunc contēptum & populi sui graue damnum, ac contra formam statuti & ordinationis prædictæ.

An Indictment against diuers, for using a Prisoner in prison for suspicion of felony very hardly, thereby to compell him to accuse one of felony falsely.

Inquiratur p domino rege, si I. O. de I. in comitatu &c. W. W. de Sect. 352. eisdem villa & comitatu p' merchant, balliui domini regis villæ prædict', R. P. de &c. custos gaolæ domini regis villæ prædict', & I. H. de &c. seruiens ad clauem infra burgum siue libertatem villæ prædict', die & Anno &c. apud I. prædict' in com' prædict' vi et armis &c. quendam W. T. prisonarium in prisona gaolæ prædict' pro suspicionē felonie detent' receperūt ea intentione q' ipsi bona et catalla diuersor' ligeorum dñi regis falsiter & extorsive & iniuste acquisit eundem W. quibusdam funis & cordulis per pedes de terra leuauerunt & seorsum per pedes, scilicet, pedibus seorsum & capite deorsum, pependerunt, et ipsum per talem duritiam & poenam ad accusand' quendam T. B. ligcum dñi regis de eo quod ipse felonice furas fuisset viginti libras sterlingor' & tres annulos aureos ad valenc' xx. s. de bonis & catallis A. C. adtrunc et ibidem felonice arctauerunt & compulerunt, contra pacem domini regis prædict' &c.

Indictments and

An Indictment against one, for procuring one to commit a Burglarie and robbery in a house.

Señt. 353.

I Vratores present, Quod I.W. nuper de L. clericus, alijs dict' &c. tali die & anno &c. apud paroch' M. magna infra sanctuariam ibidem in warda de A. London, maliciose et felonice abbettavit & procuravit P.W. de &c. ad felonice frangend' & intrand' in domum W. Prioris hospitalis sancti Iohannis Ierusalem in Anglia apud Sanct' Iohns Clerkenwell in præd' comitat' Midd' infra præd' hospitalem præd' prioris ibidem, & ibidem felonice furand' capiend' et asportand' vnum Ciphum argenteum & deaurat' vocat' a **Goblet**, præd' Prioris ad valenc' &c. & vnam ollam argenteam parcell' deaurat' eiusdem Prioris ad valenc' &c. & alia bona præd' Prioris ibidem existenti: Quorum quidem abbettacionis & procuracionis prætextu prædict' R. die &c. vi & armis &c. domum & mansionem dicti Prioris apud &c. infra hospitalem præd' in comitatu &c. circa horam secundam in aurore & antea meridiem eiusdem diei burglariter & felonice fregit, & prædict' Ciphum de argent' deaurat' vocat' a **Goblet** ad valenc' C. solid', & præd' ollam argenteam parcell' deaurat' ad valenc' x. li. ac alia bona eiusdem Prioris, videlicet, duo Saltferia de argent' & deaurat' ad valenc' &c. de bonis & catallis dict' Prioris ad tunc & ibidem inuenit felonice furat' fuit cepit et asportauit, contra pacem &c.

An Indictment for Murder and felonie committed within the Verge, by one and his servant, upon a Sericant at Armes.

Señt. 344.

I Nquiratur &c. Si A.B. & C. D. seruiens præd' A. B. tali die & anno ex eorum malicia p̄cogitat' ac insultu & affraia p̄ eos p̄meditat', vi et armis &c. apud L. præd' in parochia &c. infra virgam in quendam W. P. seruientem domini Regis ad arma insult' & affraiam fecerunt & ipsum W. P. ad tunc et ibidem vulnerauerunt, verberauerunt & maletrastauerunt, & cum quibusdam gladijs quibus in manibus eius dextris ad tunc et ibidem tenuerunt p̄f. W. P. ad tunc & ibidem felonice interfecerunt et murtherauerunt, contra pacem &c.

An Indictment against one for keeping of a common tipling house, that hee is a common barrator, and keepeth diuers suspicious persons in his house, both men and women, and vagabonds, drinking, and swearing, and vsing vnlawfull games: sleeping in the day, and watching in the night, And for holding of an hereticall opinion of our Sauour Christs humanitie.

Señt. 355.

I Vratores &c. Quod A. B. de E. &c. est commun' Tiplator' ceruiciz & communis barrectator & pacis domini regis perturbat' & custod' & manutenet quotidie & noctanter in domo sua apud &c. diuersas per-

sonas suspecti tam homines quam mulieres et vagabondi ibidem bibentes iurantes, & ludem ad luda illiciti, viz. apud cards & dice, in noctibus post horas debite & legitimas, & qui vigilant in nocte & dormi in die: nec non habet fidem et opinionem contra fidem dei. Et hæc verba dixit in Anglicana tali die et anno &c. in presentia A. B. C. D. & aliorum ligo- rum dicti dñi Regis: **God neuer tooke flesh nor blood of our Lady** in malum exemplum et magnum nocumentum omnium aliorum ligo- rum dicti domini regis coronæ et dignitatē suas.

An Inquisition taken before a Coroner finding that R. H. was rowing in a Boate upon the River of Seuerne, and suddenly fell out of the Boate, and so was drowned.

Inquisitio indentatæ capte apud Worcester in comitatu predicto primo die Augusti, anno regni excellentissime principisse Mariæ primo &c. coram G. H. gen. vno coronat dictæ dominæ Reginæ comitatu predicto ad inquirendū qualiter et quomodo quidam Richardus Hochecks in comitatu predicto **husbandman**, ad tunc et ibidem iacenti mortui, ad suam mortem devenit per sacramentum proborum et legalium hominum vil- lę de W. predicti et trium aliarum villarū propin quarum, videlicet N. B. & D. scilicet per sacramentum R. L. &c. Qui dicunt quod ita acci- dit apud W. predicti in comitatu predicto xxx. die Iulij anno supradicto quod predicti R. H. fuit remigrans in Lintro vocat a Boat, super a- quam Sabrine & in remigracione predicti predicti R. H. ex infortunio repente cecidit de eodem in aquam predictam, etmersus fuit. Et sic dicunt quod idem R. H. ad mortem suam devenit et non aliter, nec alio modo. Et quod predicti Lintrum attachiatum est eo quod fuit causa seu occasio mortis suæ et appreciatur ad iiiij. s. iiiij. d. & remanet in custodi W. H. In cuius rei testimonium tam sigilla predicti Iurat quam sigillum predicti Coronat huic presentī Inquisitioni indentatæ fuit appens. dat die & anno prius supradicti.

Señ. 356.

An Indictment of murder of one man taken before the Coroner, against one that committed the murder, and two that were present, maintaining pro- curing an & aiding him in the doing thereof.

Inquisitio indentatæ capte apud W. in comitatu predicto secundo die &c. Anno &c. coram G. H. generos. vno Coronatorum dictę dñę Reginæ comitē predicti super visum corporis cuiusdam R. D. apud W. felonice interfecit ad tunc et ibidem mortui iacenti per sacramentum proborum & legalium hominum de W. predicti et trium aliarum vil- larū propin quarum, videlicet &c. ad inquirendū qualiter & quomodo pra-

Señ. 357.

Indictments and

p̄dict' R. D. ad mortem suam deuenit, viz. per sacramentum &c. Qui
 dicunt super sacramentum suum per p̄dict' A. B. C. p̄locutores eorum, q̄
 vbi p̄dict' R. D. fuit in pace dei & dict' dñæ Reg. in regia via ambulās
 inter Castrum Pulderbach & Wrentnall in com̄ p̄dict' xx. die Augusti,
 anno suprad' circa horam septimam post meridiem eiusdem diei, vbi ve-
 nit R. A. de W. p̄rad' in com̄ p̄rad' **Labouler**, vt felo dict' dominæ
 Reg. contra pacem eiusd' dñæ Reginæ coronā et dignitat' suas die anno
 hora & loco p̄dict' ex malitia et malo proposito suo p̄cogitat in insidijs
 iacuit, ea intenc' ad murdrād & interficiend' p̄fāt R. D. ac in p̄fāt R.
 tunc et ibid' insult fecit, & eund' R. cum quodam baculo vocat' a p̄thē
Stasse, precij &c. quem in manibus suis tenuit super occiput capitis sui
 felonice p̄cussit dans ei plagam mortal' : de qua quidem plaga mortal'
 idem R. a p̄dict' xx. die Aug. ann' supradict' vsq; secund' diē Sept.
 tunc proximē sequē linguebat & moriebat. Et sic diē quod p̄dict'
 Rowland p̄fāt R. D. ad tunc et ibid' volunt' & felonice murdrauit &
 interfecit, & quod habuit in bonis nihil, dicuntque insuper, Quod quid'
 R. A. de W. in comitatu p̄dict' **Husbandman**, T. W. de W. p̄d' in com̄
 p̄dict' **Butcher**, die anno hora & loco p̄dict' p̄sonaliter interfecit ma-
 nutenentes procurantes & auxiliantes p̄fāt Row. A. ad feloniam & mur-
 drum felonice in forma p̄dict' perpetrand' & perficiend'. Et quod
 p̄dict' R. A. habuit in bonis et catallis ad valenc' &c. et remanēt in ma-
 nibus A. A. vxor' eius, & quod p̄dict' T. W. nihil habuit in bonis et
 catallis ad p̄fens.

*An Inquisition taken before the Coroner, finding that W. V. hanged himself
 in a wood in his girdle.*

Sect. 358.

Inquisitio indētat capt' apud A. in com̄ p̄d' die & añ &c. coram G. H.
 Igen' vno Coronat' dict' dominæ Reginæ com̄ p̄d' super visum cor-
 por' cuiusdam W. V. ad tunc et ibidem mortui iacē per sacramentum
 proborum & legalium hominum villas de A. p̄d' et trium aliarum villas
 p̄pinquarum, viz. W. H. & M. ad inquirend' qualiter et quomodo i-
 dem W. ad mortem suam deuenit, viz. per sacramentum &c. Qui trias e-
 lect' onerat et iurat de veritatē de p̄missis dicend' per p̄rad' A. B. C. cor̄
 prolocutores, dicunt super eorum Sacramentum, quod p̄dict' W. V.
 xx. die &c. anno supradict' in quodam bosco iuxta Aston p̄d'
 vocat' **Spannoys wood**, circa horam quartam post meridiem eiusdem
 diei felonice, vt felo dict' dñæ Reg. die anno hora & loco p̄dict' de-
 um p̄ oculis non habens sed infligation' diabolica seduct' cum qua-
 dam zona Curreo vocat' a **leatherne girdle**, precij &c. se suspendit in-
 terfecit & murdrauit. Et sic dicunt, quod p̄dictus W. ad mor-
 tem suam deuen' & non aliter, & primi inuentores eius fuerunt T. V.
& I.

& I.W. pleg' eor' I.H. & T.H. cor' Iustic' itinerantibus cū ad partes illas venerint, & habuit in bonis ad valenc' vij. li. vj. s. viij. d. viz. in manib' T.V. de A. p'd & c. 6. s. 8. d. in manib' R.M. & c. x. s. & c. In cuius & c.

An Inquisition taken before a Coroner finding that one was murdered upon a heath by one unknowne.

Inquisitio indentat' cap't apud W. in comit' p'red' die & anno & c. corā Sect. 359.
G.H. vno Coronat' dictæ dñæ Reg. comit' p'red' super visum corporis cuiusdam N. H. de L. alit' in com' Cestrie apud **Prees Heath**, infra dominium de W. in com' p'red' felonice interfecit' ad tunc et ibidem mortui iacent' per sacrament' proborum & legalium hominum villat' de W. p'd ac trium aliarum villat' propin quarum, viz. & c. ad inquirend' qualiter et quomodo p'red' N. ad mortem suam devenit per sacram' & c. Qui electi iurati & onerati per p'red' A. & B. eorum prolocutores dicunt: Qd' vbi p'red' N. fuit in pace dei, & dictæ dominæ reginæ apud **Prees Heath** p'red' in com' p'red' die & anno suprad' circa horam tertiam post meridiem eiusdem diei, ibi tunc venit quidam homo adhuc ignotus, felonice vt felo eiusdem dominæ Reginæ per regiam viam ibidem ex malicia & malo proposito suo precogitat' in insidijs iacuit et in p'sentia N. ad tunc & ibidem insultum fecit, ac cum quodam baculo vocat' a **piked staffe**, precij & c. quem ipse ad tunc et ibidem in manibus suis tenuit, p'sent' N. super verticem capitis suis felonice percussit dans ei plagam mortalem vnde cecidit ad terram: ratione cuius idem N. ap'red' die anno et hora languebat vsque 24. diem & c. tunc prox' sequent', & sic tunc et ibidem de p'red' plaga mortali moriebat'.

An Indictment before the Coroner for killing and robbing of one by the highway, and flying thereupon, and a Towne amerced for not apprehending the felon.

Inquisitio indentat' cap't apud B. in comit' p'red' in quodam loco ibidem vocat' **Latoulesse crosse**, 4. die Decembris anno & c. coram W. W. gen', vno Coronat' dictæ dominæ Reg. comitat' p'red' super visum corporis cuiusdam I. W. nuper de L. & c. ad tunc et ibidem iacent' mortui per sacramentum bonorum et legalium hominum villat' de Buyl das p'd, et trium aliarum villat' propin quarum, viz. & c. ad inquirend' qualiter et quomodo p'red' I. W. ad mortem suam devenit, videlicet, per sacramentum & c. qui dicunt super sacramentum suum per A. B. C. prolocutores, quod vbi p'red' I. W. 2. die & c. anno supradicto fuit in pace dei et dictæ dñæ Reginæ equitans inter villas de Wenlock magna, & Buyl das magna p'd in com' p'd, sic accidit circa horam vndecimam ante meridiem eiusdem diei, Quod quidam T. L. nuper de H. in com' p're-

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præd' **Deruingman**, deum pre oculis non habens ex malicia et male
positis suis precogit apud **Latouesse crosse** præd' in coram præd' in insidijs
iacuit. Ea intentione ad murdrand' et interficiend' præf. I. W. Ac præd'
T.L. ex predict' malitia sua precogitata, vie et armis &c. in præfatum
I. W. adtunc & ibidem insultum fecit, et ipsum I. W. ab equo suo
super quem idem Io. tunc equitavit in terram deiecit & collum ipsius
Iohannis adtunc & ibidem, vi et manu forti torisit et fregit vnde idem I.
W. adtunc & ibidem instanter obiit. Et sic præf. T. L. præfatum I.
W. die anno hora & loco suprad' (vt prædicitur) voluntarie et felonice
murderavit et interfecit: Et ulterius dicunt Iuratores præd' quod præf. T.L.
immediate post felon' & murdrum prædict' in forma præd' per
petrat adtunc et ibidem vnam crumenam Coriam precij iij. d. & xl.s.
in nummis numeratis in dicta crumena tunc existentibus de bonis &
catallis ipsius Io. dum vixit adtunc et ibidem à corpore ipsius I. felo-
nice cepit. Et super inde T.L. per defectum & negligentiam inha-
bitanc' villat' de Buylas præd' fugam fecit tunc minime reprehen-
sus existen' pro murdro et felonio prædict'. Ideo americiatur præd'
villat' de B. predict' ad C. s. pro huiusmodi escap' secundum formam
statuti in huiusmodi casu edit' & provisi. Et dicunt etiam Iurat' præ-
dict' super sacramentum, quod predict' T.L. predict' secund' die Sep-
temb. anno supradict' seu ynquam postea nulla habuit bona neque ca-
talla terras nec tenementa in comitat' predict'. In cuius &c.

*An Inquisition before a Coroner, where it is found that a woman killed her-
selfe with a knife.*

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Inquisitio indentat' cap't apud A. in comitatu prædict' die añh &c.
coram I. A. vno Coronat' eiusdem domini Regis super visum corpo-
ris K. vxor' G. S. adtunc & ibidem mortui iacentis per sacramentum
proborum & legalium hominum de A. predict' et trium villat' propin-
quarum, viz. &c. ad inquirend' qualiter & quomodo eadem K. ad mor-
tem suam devenit, videlicet per sacramentum &c. Qui elect' iurat' & tri-
a ad veritatem inde dicend', per predict' A. B. eorum prolocutor' di-
cunt super sacrament' suum, Quod predict' K. deum non habens pre
oculis suis sed instigatione diabolica seduct' die &c. anno &c. apud
W. in comitatu præd' cum quodam cultello precij iij. denar. seipsam fe-
lonice percussit dextra parte gutturis suæ ad profunditatem decem pol-
licium vnde eadem K. languebat ab eodem die vsque ad diem &c. ex-
tunc proxim' sequen' & moriebatur. Et sic dicunt quod eadem K. ad
mortem suam devenit et non aliter, et nihil habuit in bonis. In cuius rei
testimonium &c.

An Indictment of one in London for consening of Clothiers.

Iuratores pro domina Regina presentant, Quod S. S. nuper de London mercator scissor est persona valde mali nominis fame et conuersus inhoneſte, communis deceptor & defraudator ſubditorum dictæ dominæ Regine, Et quod ipſe 30. die &c. anno &c. triceſimo apud London, videlicet, in parochia ſancti Laurentij in veteri Iudaismo in warda de Cheape London prædictæ & diuerſis alijs locis & diebus infra ciuitatem prædictam antea quam poſtea, quendam Radulphum Wyat de Ciuitate Wigorn Clothier, & multos alios fideles ſubditos dictæ dominæ Regine decepit & defraudauit, et per fraudem, aſtutiam, & deceptionem, Anglice *by coſenage*, diuerſos pannos laneos, vocat *Broad doathes*, tam de prædicto Radulpho Wyat quam de diuerſis alijs dictæ dominæ regine ſubditis perquiſiuit habuit et precepit, in pauperationem ſubditorum dictæ dñæ reg. nunc, et in contemptum dictæ dñæ Regine, & in peſſimum ac pernicioſiſſimum exemplum omnium aliorum ligeorum ſubditorum dictæ dominæ Regine in huiusmodi caſu delinquent, & contra pacem dictæ dominæ Regine Coronam & dignitatem ſuas: Necnon contra formam ſtatuti in huiusmodi caſu editi & prouiſi,

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Concordat cum Recordo.

An Indictment againſt William Hacket, for treaſon and conſpiracie, viz. for praſtiſing the deprivation of the Queene, and for traiterous wordes againſt her, and for deſacing of her armes, &c. tranſlated into Engliſh out of the very Indictment it ſelfe.

The Jury do preſent for the Queen, that **W**ill Hacket late of Dun- Sect. 364.
del in the Countie of Northampton yeoman, as a falſe traitor againſt the moſt excellent and chriſtian princeſſe, our Soueraign Lady Eliſ. his naturall and ſoueraigne Liege Lady, hauing not the feare of God in his heart, nor weighing his due allegiance, but ſeduced by the inſigation of the deuill, maliciously and traiterouſly compaſſing, imagining, deuiliſh, and intending the depriuation and depoſing of our ſaid Soueraigne Lady Elizabeth from her honor & royall name of the imperiall Crowne of this Realme of England, on the xxi. day of July, in the thre and thirtie yeare of the Raigne of our Soueraigne Lady Elizabeth, now Queene of England, at London, that is to ſay, in the Pariſh of ſaint Eides, in the ward of Faringdon extra London, and diuers others daies and times beſtowit the 12. of february laſt paſt, & the five and twentieth day of July, in the ſaid thre and thirtieth yeare of her Maieſties Raigne, as well in þe pariſh aforeſaid, as elſewhere in London aforeſaid, of his own perſon and traiterous minde and imagination, maliciously, expreſſly,

aduſ

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aduisedly, directly, and traiterously in the presence and hearing of sundrie faithfull subjects of our said Soueraigne Ladie these false malicious and traiterous English words following, concerning our said Soueraigne Lady the Queenes Maiesie, falsely, maliciously, aduisedly, expressly, directly and traiterously said, rehearsed, published, and spoke, viz. That the Queenes Maiesie (meaning thereby our said Soueraigne Queene Elizabeth) did represent all Hypocrisie, and had forfeited her Crowne, and was worthy to be deppined, and that hee had bin of that opinion these 4. yeares, and that he defaced her Armes in Baies house thereby meaning the house of one Ralph Baies, situate and being in Knight-riuer-Streete, in the Parish of saint Gregorie neere Paules, in the Ward of Baynards castle L. to take away her whole power of her authoritie, and was mowed therunto by the Spirit, & that he neither was, nor is lozie therefore to the great scandall and derogation of the Person and royaltie of our said Soueraigne Lady the Queene, and to the subversion of the State of this realme of England, and contrarie to the forme of a statute in this case made and provided, & also against the peace of our said Soueraigne Lady, her Crowne and dignities &c.

Another Indictment against the said W. Hacket, for practising the deposition and death of the Queene, for stirring sedition in the realme, for raising of the Queenes Armes, and her picture and for thrusting an iron instrument into that part of the picture that represented the breast & heart of the Queene: & that he treated with two others for the bringing to passe of their purposes, And for traiterous words uttered against the Queene, translated into English out of the verie Indictment it selfe.

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The Iurie present for the Queene, That W. Hacket late of Wodel in the Countie of Northampton yeoman, as a false traitor against the most excellent and Christian princeesse, our Soueraigne lady Elizabeth by the grace of God of England &c. having not the feare of God in his heart, nor weighing his due allegiance, but seduced by the instigation of the deuill, and intending wholly to withstand, put out, & extinguish the hearty loue, and true, & due obedience, which a true and faithfull subject of the Queenes should beare, and by the Law is bound to beare towards our said Soueraigne Ladie the Queen, The first day of July in the 33. yere of the raigne of the said Queene, at London in the Parish of S. Gregorie neere Paules, in the Ward of Castle Baynard London, falsely, maliciously, and traiterously, inticed, imagined, went about, and compassed the said Queene his Soueraigne & natural liege Lady, not onely from her Royall State, title, power, and government of this Realme of England, utterly to deppine, depose, cast downe and

and disfigure, but also to bring and put the said *Quēnes* maiestie to death and final destruction, and sedition in the said realme of Englaūd to raise vp, leuie, and make, and also wholly to subuert and destroy the state of this whole common-wealth, being in and throughout euerie part thereof well constituted and ordered: And to the intent he might fulfill and bring to passe those his aforesaid traiterous purposes, imaginations, compassings, and intents: The saide William Hacket afterward, that is to say, the first day of July, in the 33. yeare of the raigne of the *Quēnes* Maiestie that now is, did come to the mansion house of one Ralph Kaies, situate and being in a knight-rider streete, in the said parish of S. Gregories in the ward aforesaid, and then and there maliciously, diuellishly, and traiterously raised and defaced the Armes of the *Quēnes* maiesty, then and there in the said house being, with this intent traiterously to take away, put down, and ouerthrow the power and authority of the saide *Quēne*: And that the said William Hacket for further accomplishing and effecting of his said traiterous purposes, imaginations, compassings, and intents the said first day of July, in the said 33. yeare of her Maiesties raigne, in the house of the said Ralph Kaies, situate in the parish and ward aforesaid, did traiterously raze a certaine picture of the *Quēnes* Maiesties, then and there in the said house likewise being: And then and there did maliciously & traiterously put in and thrust an yron instrument into that part of the saide picture, that did represent the brest and heart of the *Quēnes* Maiestie. And afterward, that is to say, on the 16. day of July in the 33. yeare of the raigne of the *Quēnes* Maiestie that now is, the saide William Hacket traiterously came to the house of one John Walker, situate and being in the parish of S. Mary Sommersets, in the ward of *Quēnehithe* in London aforesaide, with intent traiterously to conferre and treat with one Edmond Coppinger gentleman, and Henry Arthington gentleman, concerning his traiterous purposes, imaginations, compassings, and intents aforesaid: And that the said William Hacket afterward, that is to say, on the 16. day of July, in the 33. yeare of the raigne of the *Quēnes* Maiestie that now is, at London aforesaid in the house of the saide John Walker in the aforesaid parish of S. Mary Sommerfet in the said ward of *Quēnehithe* in London, of his own peruerse & traiterous mind & imaginatiō, maliciously, aduisedly, expressly, & traiterously, did treat, & had conference with the said Edmond Coppinger, & Henry Arthingtō, by what wayes, means, & maner, the said traiterous purposes, imaginations, compassings, & intents might be accomplished & brought to passe. And thereupon the said 16. day of July, in the said 33. yeare in the said house of John Walker aforesaid, situate and being in the said parish of S.

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Marie Somersetts in the saide ward of Quenehit London, in the presence and hearing of the said Edmond Coppinger, and Henry Arthington, being then and there in the said house, the said Wacket these false traiterous English words following of our said Sovereigne M. Elizabeth, saide, maliciously, advisedly, expressly, directly, and traitterously saide, rehearsed, published, and spoke, viz. That the Quenes maiestie (meaning our said souveraigne Ladie Quene Elizabeth) had forsaited her Crowne, and was woorthie to be depeined. And that furthermore, the said William Wacket thereupon the said 16. day of July in the said 33. yeare, in the said house of John Walker, scituate in the parish of Saint Mary Somersetts, in the said ward of Quenehit London, maliciously and traitterously moved and stirred by the saide Edmond Coppinger, and Henry Arthington, trayterously and openly to declare and publish in London aforesaide, that the Quenes maiestie that now is, had forsaited her Crowne, to the great offence and derogation of the person of the Quenes maiestie, and to the subversion of the State of this Realme of England, and contrary to the peace of our said Sovereigne Lady, her Crowne and dignities &c.

*An Indictment of Recusancie upon the Statute of 1. and
23. Elizab.*

Secl. 366. ¶ Viratores presentant pro dña Regina, quod I. S. nuper de parochia S. Margaretæ in Westm̄ in cōm̄ Midd̄ armig', Qui xx. die Septembris, Anno regni Reg' Eliz. &c. quadragesimo primo fuit ætatis sexdecim annorum & ultra non accessit Anglice did not repaire ecclesiæ suæ parochiali de parochia S. Margaretæ in Westm̄ p̄d̄ in cōm̄ Midd̄ p̄d̄, nec alicui aliæ ecclesiæ capellæ aut vsuali loco communis precationis nec ibidem fuit tempore communis precationis ad aliquod tempus infra sex menses proximi sequent' p̄d̄ xx. diem Septemb', anno xli. suprad̄, sed abstinuit ab eisde, Anglice hath forborne the same, à p̄d̄ xx. die Septemb', anno xli. suprad̄, p̄ p̄d̄ spacium p̄d̄ sex mensium extunc proximi sequent' contra tenorem cuiusdam statuti apud Westm̄ in comitatu Midd̄, anno regni dictę domine Regine nunc primo, pro vniformitat' communis p̄cationis, ac contra formam statuti anni regni dictę dñæ reg' nunc 23. in hūdi casu & dif & prouis. in dictæ dñæ Regine nunc & legū suarum contemptum manifestum, necnon contra pacem dictę dñæ regine nunc coronę & dignitat' suas &c.

¶ Item, that the course is, that the party indicted must appear in proper person, and pleade to the Indictment.

A plea to the Indictment next before.

spid̄, &c.

Et p̄d̄ict' I. S. in propria persona sua venit & defendit totum & quicquid contra pacem & in contemptu Domine Regine nunc aut legum

legum suarum superius fieri supposit. Et protestand quod Indictament præd. vers. cum exhibit minus sufficiens in lege existit ad quod necesse non habet nec per legem terræ tenetur respondere: Pro placito tamen idem I. S. vterius dicit quod de præd. non accessu alicui Ecclesiæ capelle aut vsuali loco communis precatationis aut de abstentione inde contra formam statuti præd. in indictament præd. specificat vel de aliqua alia transgressiõ offensi. aut contempti in Indictament præd. superius supposit, quod ipse in nullo est inde culpabilis. Et de hoc ponit se super patriam &c. Et Henricus Fermor gener qui pro domina Regina in hac parte sequitur simili. Ideo veni inde Iur &c.

The Venire facias for the returning of a Iurie, to trie the cause betwixt the Quene and the partie indicted.

Elizabeth Dei gratia Angliæ, Franciæ & Hybernæ Regina, fidei Fid. A. defensor &c. vic' Midd. salutem: Præcipimus tibi quod non omittas propter aliquam libertatem in Balliua tua quin Venire facias coram N. M. maiore ciuitat nostræ London, & socijs suis Iusticiarijs nostris ad gaolam nostram de Newgate de prisonarijs in eadem existẽ deliberand. assign apud **Iustice hall in le old Baylie**, die veneris scilicet xij. die Junij proximi futur. ad horam primam post meridiem eiusdem diei viginti & quatuor liberos & legales homines de visnet S. Margaretæ in Westm in comitatu nostro Middlesexiæ: ad recogn. super sacramentũ suum, si I. S. de parochia S. Margaretæ in Westm in com. Midd. gesi culpabilis sit de quadam transgressiõ & contemptu vnde idem I. S. indictatus existit, necne &c. Et habeas ibi tunc nomina Iurat præd. & hoc breue. Teste præfat N. M. Maiore p. apud **Iustice hall p.**, septimo die Maij, Anno regni nostri quadragesimo secundo.

Fermor.

Executio istius præcepti patet in quodam pannello huic præcepti annexo:

Respons. { Roger Clerke } vic'
 { Humphred Welde }

An Indictment of Burglarie, and for hanging up the Goodman of the house by the thumbs upon a beame with pot hookes, and for binding with cords the good man of the house and his wife, and for taking out of a chest five pounds in money.

Vras præsentant, qd G. C. nuper de M. in com. Cestriæ & alij ignoti Sect. 367
xvj. die Martij, Anno regni Edwardi sexti Dei gratia Angliæ, &c.
X. ij. quinto,

Indictments &c.

quinto circa horam vndecimam in nocte eiusdem diei apud A. in com' C. domum cuiusdam R.W. vi & armis, viz. baculis gladijs & dagarijs burglariter ac felonice fregerunt & intrauerunt, Ea intentione ad spoliandum & depredandum prædict' R.W. & in prædict' R.W. ac R.W. filium suum & Io. vxor eius ad tunc & ibidem insultum fecerunt, & ipsum R.W. cum quodam instrumento vocat *Pot-hokes*, pollices ipsius R.W. super trabem, vocat *a beame*, domus prædict' ipsum ad tunc & ibidem suspenditur & prædict' R.W. & Ioh. vxor eius cum cordis ligauerunt & C. s. in pecunijs numerat in quodam cisto content de bonis & catalis prædict' R.W. ad tunc & ibidem inuent felonice ceperunt, asportauerunt, & spoliauerunt, vi & armis, ac contra pacem dicti domini Regis, ac contra formam statuti in huiusmodi casu edit & prouid.

An order to be obserued in the right framing of Indictments.

Quis, quando, vbi, quid, cuius, quomodo, quare.

Quis

QVis, the person with his name, surname, addition of the Towne, County, Art, and Degree.

Quando;

Quando, the day and yeare.

Vbi.

Vbi, The Place, Towne, and Countie.

Quid.

Quid, The thing taken, the colour, the marke, the price and value.

Cuius;

Cuius, The owner of the thing, and whose it was.

Quomodo.

Quomodo, The manner of the doing, and how.

Quare,

Quare, The intent, which is compassed in this word (Felonice.)

SYM.

SYMBOLEOGRAPHY.

Of Compromise and Arbitrements.

A Compromise defined.

Compromise or Submission, Arbitriū, Cōpromissum, Submissio, is the facultie or power of pronouncing Sentence betwene persons at controuersie, giuen to arbitatoꝝ by the parties mutuall pꝛuate consent, without publike authoritie, 8. Ed. 4. 2.

Sect. 1.

Compromise diuided.

Euerie Compromise is generall or speciall, Dyer 2 17. plac. 6. 4. Eliz.

Sect. 2.

Compromise generall.

A Generall Compromise is of all quarels, actions, executions, and demands &c.

Sect. 3.

Compromise speciall.

A Speciall Compromise is euery submission to order, which is not so generall, as when it is of certaine matters, factes, or thinges, only, as of a trespassse, or of all actions of trespassse, or of a plaint or debt, or detinue, &c.

Sect. 4.

Parts of Iudgements.

And of euery other iudgement, so of iudgements which grow by a compromise, there are two parts, the persons, and the question.

Sect. 5.

Persons in Iudgements.

Persons chiefly regarded in Compromise, are the striving parties, and the Arbitrators.

Sect. 6.

Persons striving.

The parties striving be they, betwene whome the controuersie dependeth, and which compromise the same, Dier 2 17. 4. Eliz.

Sect. 7.

Persons striving two.

And they must be two at the least, namely the plaintife, and the defendant, of which sometimes there be two, or more of a side.

Sect. 8.

The Plaintife.

The Plaintife is he which moueth the question.

The Defendant.

The Defendant is he against whome the question is moued.

What persons may Compromise and what not.

All persons both male and female may compromise, but such as are prohibited by nature, or by law.

Sect. 9.

Compromise and

Impediments to compromise.

Sect. 10.

By nature some are prohibited to compromise through defect of the mind, and some through defect of the body.

Impediments in mind naturall.

Sect. 11.

Through the defect of the mind, is when either age is such that by nature they want discretion, or being at age they want it, either naturally or casually: as infants under one and twentie years old, 10. H. 6. 14. 18. E. 4. 2. 7. E. 4. 5.

Impediments in minde casual.

Sect. 12.

Ad furious madde lunatikes, during their lunacie, 12. E. 4. 8. 4. 30. cots.

Impediments in body.

Sect. 13.

Defect of the body is such infirmities as hindereth the principal senses necessary for the attaining of knowledge: as dummes, deafnes, and blindnes.

Dumbnes and deafnes naturall and casual.

Sect. 14.

Ad therefore persons by nature dumb & deaf, cannot compromise, as it seemeth, for they cannot have understanding, neither can they grant, Perkins Sect. 25. But persons blind, dumb, and deaf by chance, which can write and read, may well by writing compromise.

Impediments legall subjection, ioynt power.

Sect. 15.

Such persons some prohibited by law to compromise, as be subiect to others power, or have only ioynt power wth others, as bondsmen, or villeins, lest the award should become void on their part, 35. E. 3.

Coverture.

Sect. 16.

In like manner, women covert without their husband, 2. H. 5. 9. Ed. 3. 28.

Death civil.

Sect. 17.

Ad persons civilly dead: as Ponkes, Friers, Canons, professors, and such other votaries, which be in subiectioⁿ to their superiours, 14. H. 8. 16. 2. R. 2. 5.

Compromise.

Sect. 18.

Hereunto may be added men, compelled to submit by threats, or imprisonment, 8. Aff. 25. 7. E. 4. 2. 1. for in submission the consent ought to be free.

Attainder and Outlawrie.

Sect. 19.

Of this sort also are persons attainted of felony or treason, and persons outlawed or wayued in personall actions, for they have no goods, 36. H. 6. 26. 16. H. 6. 47. 2. 1. H. 7. 7. 8. E. 4. 4. 3. H. 7. 16.

Ioynt power.

Sect. 20.

Persons prohibited to compromise for that they have onely ioynt power wth others, are the single members of every Corporation without

without their fellow members, as a Dean without a chapter, an Abbot without his Convent, a Mayor without his Commonalty, The Master of a Colledge or Hospital without his fellows, and so of other societies or guilds, 21. E. 4. 13. And in alward, it seemeth, that such persons may of themselves compromit, as may of themselves make good grants.

Arbitrators defined.

An arbitrator is an extraordinary Judge, which is choise, and hath Sect. 22. power to iudge, given to him by thonly mutuall consent, will promise, & electio of privat persons striving, to the end they may decide their controuersies, 19. H. 6. 36. who because the controuersie is committed to his pleasure & arbitramēt, is termed an arbitrator, & for that it is done by the mutual promise or compromise of the parties, he is called Cōpromissarius iudex, Dyer 36. 19. El. 39. As a Judge having cognizance by the compromise of the parties: his power is larger then the power of any ordinary or other extraordinary Judge appointed by a magistrate, for an arbitrator hath power to iudge according to the compromise after his owne mind, as well of the fact as of the law, not observing the forme of lawe, but thother Judges are tied to a prescript forme limited to them by the law or Magistrat, of which they be only executors. For which cause Tully saith wel: Aliud est iudicium, aliud arbitrium: nam iudicium est pecunie certę, arbitrium incertę: ad iudicium hoc modo venimus, vt totā litē aut oblineamus aut amittamus: ac arbitrium hoc modo adimus, vt neq; nihil neq; tantū quam postulamus consequamur, whence springeth this olde saying, Wee that putteth his coat to daying, is like to lose a quarter,

The choise of Arbitrators.

Seeing then the power of Arbitrators is such, and so great & uncon- Sect. 22. scionable, warinesse must be used in the choise of them. In which two things seeme necessary to bee regarded, namely that the arbitrators be sufficient and indifferent.

Sufficiencie of Arbitrators considered.

Touching their sufficiencie, such persons are to be elected, as haue Sect. 23. sufficient skill of the matter compromitted, & haue neither legall nor naturall impedimēts to giue an vpriht sentence. Natural impedimēts, be thogh defect of mind or body, naturall impedimēts thogh defect of mind be infancie (for infants by reason of their tendernes of yeres, want discretion to manage themselves, and their owne affaires) madnes, and Ideocie. for they who are maimed with these blemishes are utterly void of understanding. And although I haue read some examples of sage sentences giuen by folcs, yet dare I not aduise my friends to expect alwaies the like at their hands. As this:

A Fooles Arbitrement.

Sect. 24.

That an hungry begger espying daintie chere in a cokes shop, hasted thither, and being set downe did eate a small peece of his owne bread, & incontinently received such wonderfull comfozt by the sweet smell of the cokes cates and saunces, wherof he tasted no bit, that he confessed, that his eager stomacke was as well satisfied therewith, & had as good a repast, as if he had indeed stuffed his paunch with the best chere there: which the coke hearing, straightwaies with a sterne countenance bids the poze captife pay for his breakfast, whereat the simple guest was mightily amazed, and the craftie cooke so much the more earnest: insomuch that this poze man & the coke were content therein to abide the award of him that should next passe by: no sooner was the submission made, but thither cometh a most notorious naturall soile, to whom as their iudge, they rehearsed the matter, which being heard, the Iudicall caused the poze man to put so much money before two basens as the covetous coke exacted, and to shake them in the cokes hearing: which done, this arbitrator awarded, that as the cooke had fed the poze man with the only smell of his cates, so the poze man should pay him therfore with the only sound of his coine, which sentence was highly approued of all the hearers.

A simple Magistrates arbitrement.

Sect. 25.

Not much unlike to this, is that, which is reported of a covetous churle, who sorrowed extremely, for that he had lost a purse with one and twentie angels in it. But an honest man hauing found the same, of more conscience deliuered it to the same churle, who not once thanking him that was the bringer, fals to account his coine, and finding onely twenty angels in the purse, with great rigour exacted the odd angel, & because the honest man denied the finding thereof, he comented him before a Magistrate of a corporation, whose wealth and authoritie far exceeded his wit (as in such places commonly happeneth for that affection and simplicitie be their ordinary Electors.) The plaintiff swereth, there were one and twentie angels in the purse which he lost: the defendant, that there were onely twentie in that which he found: Whereupon the Magistrate pronounced, that the purse found was not the plaintifes, and therfore adiudged him to restore unto the defendant the purse with twentie Angels, leaving the plaintife to good fortune for the finding againe of his purse with one and twentie Angels. I thinke a man may trie a thousand fooles in the like cases, before he receiue the like sentence,

Defects of the body in Arbitrators.

Sect. 26.

The defects of the body hindering iudgement are infirmities, by which the principall senses necessaries for the apprehension of knowledge,

eyes, are impaired, as by deafenes, dumbnes, and blindnesses.

Arbitrators indifferent, who?

And for indifferencie, it is good that the Arbitrators be void of Sect. 27
malice and fauor to either of the parties, that they be not notorious by outlary, excommunication, or suspected of any other notorious crime, that they be neither irreligious nor covetous: For albeit as it is said, an Arbitrator hath herein absolute power, yet ought his judgement or sentence to be sincere and incorrupt, according to right & equity, without malice, flatterie, and euery other vicious affection or perturbation, which may in any sort lead him awry from the right path of justice and equitie.

Hitherto of persons regarded in submissions.

The Question.

The Question which containeth the matter of tharbitrament fol. Sect. 28.
loweth.

The Dn. is a thing in controuersie declared to the Judge or Arbitrator, to thend it may by him be decided, Dyer fol. 216.4. Eliz. pla. 6.

The question double.

And euery question is either about the fact, or about right, Sect. 29

The question of the fact.

A Question of the fact, is when such a fact is inquired of, as is Sect. 30.
doubtfull.

The question of right.

The Question of right, is when the fact being knowne, it is yet Sect. 31.
doubtfull how much is thereby gotten right and due to each party by law.

What is to be considered in each question.

And in euery Dn. hereupon arising, it is to be considered whe, Sect. 32
ther the thing in question be arbitrable or no: for in vaine it is to compromit things not arbitrable. Let vs therefore see what things be arbitrable, and what not.

What things are arbitrable and what not.

Things & actions personall incertaine are arbitrable: as trespassse, Sect. 33.
a ward taken away &c. 22. H. 6. 39. 14. H. 4. 2. 4. H. 6. 17. But things certaine are not arbitrable but when the submission is by specialtie, if they be not ioyned with others incertaine: as debt with trespass, 4. H. 6. 17. 2. H. 5. 2. 12. R. 2. Dyer 33. H. 8. fol. 51. pla. 14.

But Chattels real or mirt, are not arbitrable by themselves: as Charters of lands, 9. H. 6. 60. 14. H. 4. 24. if the submission be not by specialtie, 19. H. 6. 3. H. 6.

Compromise and

Also an Annuitie is not arbitrable, if the submission bee not by specialty, 9. H. 6. 60. 14. H. 4. 18. 3. H. 4. 6.

So; a stretchhold, 11. H. 4. 12. 14. H. 4. 18. & 19. & 24. 54. E. 3. 16. 12. All. pla. 26. 21. E. 3. 15.

So; debt vpon arrearages of Account befoze Auditozs, 4. H. 6. 17. because such debt is due by recozd, 3. H. 4. 5. 6. H. 4. 9.

Also it seemeth that neither such things as were not in rerum natura at the time of the submission, though they happen to be befoze the award made be arbitrable: as if the submission be of Cwes with lambe, which after the submission and befoze the award made haue lambs, it seemeth they haue no power to make any award touching the lambs.

Spatters concerning the comwealth seeme not arbitrable as all criminal offences, as treasons, felonies, &c. touching the crime, so; it is so; for the benefit of the comwealth, that such offenders be made known and punished.

Also causes matrimoniall seeme not arbitrable, least men should separate those whom God hath ioyned together.

Circumstances regarded in submission. First that it be in writing.

Sect. 34.

Now that we haue set forth the persons and things necessarie in every compromise, it is good to consider such other circumstances as be requisite in the same.

Whan things therfore beside the persons and things are mete to be observed in every compromise.

First that every compromise be made by writing with the parties covenants or bonds sufficient to binde their heires and executors to performe the award which shal therupon be made, that both the Arbitrator knowe their power, and the parties how farre they are subiect to their sentence. And also least their labour and iudgement therein should be frustrate so; want of meanes to compel the same to be executed.

Of the power given to Arbitrators.

Sect. 35.

Secondly, it is becomenfull that the very compromise arme the arbitrators with sufficient authoritie to do all things necessary for the ending of the controuersies, as to appoint times and places for their meeting, to examine & decide the matter committed, and to bring the parties with their proofes, evidences, and witnesses thither together befoze them. And to punish the persons defaulting, and to expound & correct such doubtful sentences and questions, as may arise vpon their award, inconuenient to either parties, contrary to equitie, and the arbitrators good meaning, which inconueniences could not by them be foresene at the making of the award, as it oftentimes hapneth: for temporis filia veritas, truth is the daughter of time.

of

Of time and place.

Thirdly, that by the compromise, convenient time and place be limited for the yielding up of their award to the parties or their attorneys, deputies, or assigns, least the parties should otherwise be long lingered with vaine hope of an endles end, & that the arbitrators may before the set time finish their award: for whatsoever they do arbitrate after the time appointed, is void, 8. H. 6. f. 18. Sect. 36.

And it is all void that is not contained in the submission, or necessarily depending thereupon. 7. H. 6. f. 40. 8. H. 6. f. 18. 36. H. 6. f. 11. as that more largely appears, when we come to the doctrine of arbitrements.

The instrument of compromise or submission, may be made in forme following.

A Compromise or submission, with covenants to performe the same:

This Indenture made &c. between A. B. on the one partie, and C. D. on the other party, witnesseth, that the said A. B. and C. D. do by these presents willingly compromit and submit themselves, & either of them, to the award, arbitrement, order, rule, decree, and iudgement of E. F. and G. H. arbitrators indifferently named, elected, and chosen by the said parties to arbitrate, award, order, decree, and iudge, of and upon all and al manner of actions, suits, quarrels, debts, accredits, trespasses, controuersies, debates, & demands whatsoever, had, made, moued, depending, or accrewed, or which might have been had or moued betwene the sayde parties at any time or times before the date hereof, except one action of debt &c. depending betwene the said parties in the W. Haies Court of common Pleas, or before &c. and except one debt x. l. due to the saide A. B. by the saide C. D. for the price of certaine Cozne &c. & except all lands & tenements of the said A. B. and such like exceptions &c. So alwayes, that the same arbitrators doe make their award, order, & iudgement, of & concerning the premises to be made, by writing indented, vnder al their hands and Seales, on this side, and before the x. day of June now next ensuing, & one part of the same deliuered or cause to be deliuered by the saide Arbitrators to the saide A. B. or his certaine attorney or attorneies in that behalfe, requiring the same, the said x. day of June now next coming, at or in the parish Church of A. in the said Countie of Poyke. And the other part of the sayde award to the saide C. D. his attorney or attorneies, deputie, or assigne, requiring the same at the said day and place: & so alwayes, that the saide arbitrat doe not by the saide award order or appoint any act or acts, thing or things, to be done or perfozmed, by, or to any pson, or persons, other the to or by the said parties to these pients, their heirs, executors, administrators, or assigns, or some of the, & not to or by any estranger or estrangers to this pient submission. And the said A. B. and

Compromise and

¶ *C.D.* & either of them for themselves, their heires, executors, and administrators, and the heires, executors, & administrators of either of them, do by these presents mutually covenant, conclude, promise, and agree to and with the other his executors, & administrators, & every of them, that neither they, nor either of them, will at any time hereafter reuoke the authoritie hereby given to the said Arbitrators, nor discharge them nor either of them in the said faculty or power of Arbitration. And that they and either of them, and the heires, executors, administrators, & assignes, of either of them, on their severall parts shall and will well and truly observe, performe, fulfil, and keepe all and every clause, sentence, article, submission, and agreement in these presents mentioned on his or their part to be performed & kept, according to the tenor, true intent, and meaning of the same. In witnesse whereof, the said parties to these presents have interchangeably set to their hands and seales, the day and yere aboue written.

Sect. 38.

Of binding the parties to performe the award.

OW the parties may submit themselves to award by obligation, with condition according to the effect of the said Instrument of submission, but that seemeth perilous, for that so they may for a trifling hazard the whole penaltie of the bond, which were too mischievous. Nevertheless if any be willing to adventure, the parties may be bound either to other, and the condition may be made in some following.

Sect. 39.

The condition of an Obligation to performe an award.

THE condition of this Obligation is such, that if thaboue bounden *A.B.* his heires, executors, administrators, & assignes, and currie of them do on his & on their part & behalfe, well & truly stand to, obey, performe, fulfil, and keepe the award, arbitrement, order, rule, decree, & judgement of *S.L.* and *W.K.* arbitrators, indifferently elected and chosen, as well on the part of the saide *A.B.* on the one party, as on the part of thaboue named *C.D.* on the other partie, to arbitrate, award, order, and iudge, of, and upon all and all manner of actions, suites, quarrels, debts, accompts, trespasses, controuersies debates, and demands whatsoever had, mooued, depending, or accrewed, or which might haue bin had or moued, betwene the said parties at any time or times befoze the date hereof, except one action of Election firme, depending betwene the said parties in the kings Chanceries court commonly called the kings bench, as by the Records thereof in the same court remaining it both and may appeare, and except out of this submission, all landes and tenements of the said *A.B.* (or any like exception.) So alwaies that the same award, arbitrement, order, and iudge-

Indgement, of, and concerning the premises be made by writing indented under al their hands and scales befoze the first day of December now next insuing, and one part of the same deliuered oꝛ caused to be deliuered by the said arbitratoꝝ, to the said A. B. oꝛ his certeine attorney oꝛ attornies, deputie oꝛ deputies, in that behalfe requiting the same the said first day of December now next insuing, at oꝛ in the parish Church of K. in the saide County of W. and the other part of the said award be likewise deliuered by the said arbitratoꝝ, to the said C. D. oꝛ his certeine attorney oꝛ attornies, deputie oꝛ deputies in that behalfe requiting the same, at the said day and place. And so that by vertue oꝛ occasion of the said award neither of the said parties, noꝛ the severall heires, executoꝝ, oꝛ administratoꝝ, of them, oꝛ any of the befoꝛe to do any act oꝛ thing, to oꝛ by any stranger to the same award, and to these presents. And so as the said A. B. doe not discharge the saide Arbitratoꝝ befoze the said time. What then this present Obligation to be bitterly void and of none effect, oꝛ else to stand, remaine, continue, and be, in full strength and vertue.

Of the condition to performe an award of lands.

And if the award be concerning a title to land, the words in the condition may be thus. Sect. 40.

Aswell, of, soꝛ, and concerning the right, title, interest, vse, possession and demand, of, and in the manor of S. with the appurtenances in S. in the said county of W. and al lands, tenements, and hereditaments, with thappurtenances in S. aforesaid, in the occupation of the said A. B. and his assignes, as, of, and vpon all actions, trespasses, suits, quarrels, debts, duties, debates, griefes, inconueniences, and demands, had, moued, stirred, oꝛ depending, betwene the said parties, concerning the said manor, tenements, and premises, oꝛ any part thereof. And also, if the said A. B. befoze the feast of P. now next comming, do shew vnto the said Arbitratoꝝ, all such writings as he hath concerning the said manor and premises, at such time and place, as the saide Arbitratoꝝ shall appoint foꝛ the sight thereof. So alwayes that, &c. *ut supra*. What then &c. *ut supra*.

Whether power to arbitrate may be assigned.

A Arbitratoꝝ chosen cannot grant, oꝛ assigne ouer his authoritie Sect. 41
of arbitration to any other, 8. Ed. 4. fol. 1. & 9. because it is but a naked power, which is not to be granted ouer: notwithstanding the opinion in 47. Ed. 3. 20. to the contrary. Neither doth the submission extend to giue the Arbitratoꝝ power to elect others.

Whether

Compromise and

Whether the Compromissors may discharge the Arbitrators, or no.

Sect. 43.

And it seemeth that albeit the parties haue agreed vpon dalesmē
03 Arbitrators, yet befoze tharbitrement made, either of the parties may reuoke the authoritie giuen to the Arbitrators, and discharge them thereof, so3 power may be countermanded, but if the submission be made by bond, then the bond seemeth to be so3setled, 5. Ed. 4. 1. 27. H. 6. 30. 28. H. 6. 6. 49. Ed. 3. 9.

But by Ashton Justice, if two plaintifs, and one defendant, 03 two defendants and one plaintife put themselves to the award of others, neither the one Plaintife without the other, no3 the one Defendant without the other, may discharge the arbitrators, 28. H. 6. 6. And by Finch. 49. Ed. 3. 9. If the submission be by deede, the discharge may likewise be by deede. So much of submissions, arming the arbitrators with power: Pow of arbitrements issuing from the same.

What an Arbitrement is.

Sect. 43.

An Arbitrement, 03 award theresoze, arbitramentum, laudum, arbitratum, Lib' in iuratiō debr in arbit 2. & 3. is nothing else but the very same, aduet, and decrē pronounced by arbitrators vpon the controuersie, so3 the ending wherof they were chosen by the stuning parties, Dycr 356. 10. Eliz. pla. 39.

Of things regarded in Arbitrement.

Sect. 44.

In the forme of euery Arbitrement, foure things are specially to be regarded.

First, that it be made acco3ding to the very submission 03 compromise touching the things compromitted, and euery other circumstance, as is said, 9. Ed. 4. 44. Plowd. 396. 2.

Secondly, that it be a small end of the controuersies compromitted 19. H. 6. 36. 21. Ed. 4. 38.

Thirdly, that it appoint either party to giue 03 doe vnto the other some thing beneficial in apparence at the least, 43. Ed. 3. 28. Dier 376 19. Eliz. pl. 39. 12. H. 7. 39. H. 6. 9. 12. Ed. 4. 25. 7. H. 6. 40. 19. H. 6. 36. 10. H. 6. 19.

Fourthly, that the performance thereof be possible, 22. H. 6. 46. 8. Ed. 4. 1. & 9. 17. Ed. 4. 5. H. 7.

Fifthly, that there be a meanes how either party may by Law attaine vnto that which is thereby awarded vnto him, 5. Ed. 4. & 24. 17. Ed. 4. 5. 18. Ed. 4. 22. & 23. 5. H. 7. 23.

For if it faile in any of these points, then is the whole Arbitrement void and of none effect, as it doth manifestly appeare by these speciall cases following, As,

An

An award that the parties shall obey the arbitrement of A. B. is good, for power cannot be assigned, 8. Ed. 4. 19.

An award that any of the parties shall be bound, or do any other act by the advice of the arbitrators, is not good, because they cannot make severall awards, 18. Ed. 4. 22. 23. but that the parties shall be bound, or make an assurance by the advice of counsell is good, 18. Ed. 4. 22. & 23.

An arbitrement that the parties shall be nonsuit in actions, is not good, for every award ought to be a satisfaction to the parties, and a determination of things compromitted, so as one party have amends, but where one hath bin nonsuit, he may begin again, 19. H. 6. 36. 21. E. 4. 38.

But an award that the parties shall make discontinuance and recitals of their suits, is good, 21. E. 4. 38. 5. H. 7. 22.

If the submission be of divers things, and the award onely of some part of them, yet is the award good, for that part notwithstanding, as if the submission be of all actions real and personall, and the award of actions personall onely: and it be de iure & possessione, and the award is onely de possessione, 19. H. 6. 6. per cur, notwithstanding the contrary opinion of Prisor, 39. H. 6. 9.

An award that an action shall be sued betwene the parties, by the advice of A. and B. is good, for that A. and B. in this case are not arbitrators, but executors of the award, yet quere, for it is uncertain whether they will give advice, or no, 8. Ed. 4. 1. & 4.

An arbitrement that the plaintife shall pay to the defendant 1. pounds and release to him all actions. And that the defendant shall release to the plaintife all actions, is good, 10. H. 6. 18. & 19.

An arbitrement that either party shall release to other all actions, and that because the one hath trespassed more then the other, he shall pay to the other, 1. s. is good, 20. H. 6. 18. & 19.

An arbitrement that either party shall goe quite against other, is good, 10. H. 6. 18. & 19. 10. H. 6. 14. 19. H. 6. 36. 22. H. 6. 39. Dyer 356. 16. Eliz. pl. 39. 21. H. 6. that it is not good, if the submission were by parol, 9. Ed. 4. 8.

An arbitrement in trespass is not good, if it award not something to the plaintife for amends, 43. Ed. 3. 28.

In trespass of goods taken, it is no good award, that the defendant shall retain part of the goods, and the plaintife have the rest, 17. Ed. 3. 16.

In debt of 1. l. it is no good arbitrement, that the plaintife shall receive the one moiety, and the defendant have the other, 45. Ed. 3. 16.

In trespass, award that if the defend will wage his law, that he is not guilty, that then he shall go quite, & that the plaintife shall release unto

to be him, I ameth god, 26. Ed. 3. 17.

Award, that forsomuch as the one hath done moze trespass then the other, therefore he shall give him a penny for amends, and that the other shall goe quite against him, is god, 19. H. 9. 3. 6.

Wp. Prison, if two submit themselves to arbitrement of all trespasses, and it is awarded that the one shall make amends to the other, and nothing is awarded for the others benefit, this award is void, 7. H. 6. 40. 39. H. 6. 9. 22. Ed. 4. 25. So if it were that the one onely shall goe quite against the other, for an award must be small, obligatoz and satisfactoiz to both parties, 7. H. 6. 40. 19. H. 6. 36. 20. H. 6. 18.

Award in trespass of goods taken that the defendant shall carrie and redeliver the goods taken to the plaintife, is god, 12. H. 7. 14. & 15.

Award that the one party shall pay rr. s. or enfeoffe &c. is god, and the performance of either sufficeth, 21. H. 6. 32. H. 6. 5. 2.

An award that one of the parties shall doe an act to an estranger, is void, if the parties be not bound, 22. H. 6. 46.

W; if an award be to pay r. to an estranger, it is void, for how can he pay the same, if he will not accept it, 22. H. 6. 46. 8. Ed. 4. 1. & 9.

W; if the award be that he shall cause an estranger to enfeoffe the other partie, for he hath no meane to compell the stranger, 17. Ed. 4. 5. So if it be awarded that he shall be bound with sureties, 18. Ed. 4. 22. 23. 5. H. 7. 23.

Arbitrement that money shall be paid at a day to come, is god, for the party may thereof have an action of debt after the day, if it be not paid accordingly, 20. H. 6. 12. 5. Ed. 4. 7. But award to doe any other thing at a day to come, is void, if the submission be not by specialite, because the party hath no means to compell his adversary to performe it, 5. Ed. 4. 7. & 34.

An award is voide (as is saide) if it neither be executed, nor anie means by law for the execution thereof: as if it be awarded, that the one shall pay to the other r. l., this is god, for he may recover the same by action of Debt. But if it were awarded that the one should deliver to the other an acre of land, or do such like act executoiz, it were void, if it be not delivered straight way, or promise made by bond, or otherwise to compell the performance thereof according to the award, 19. H. 6. 36. 20. H. 6. 12. 5. Ed. 4. 7. 19. Ed. 4. 8.

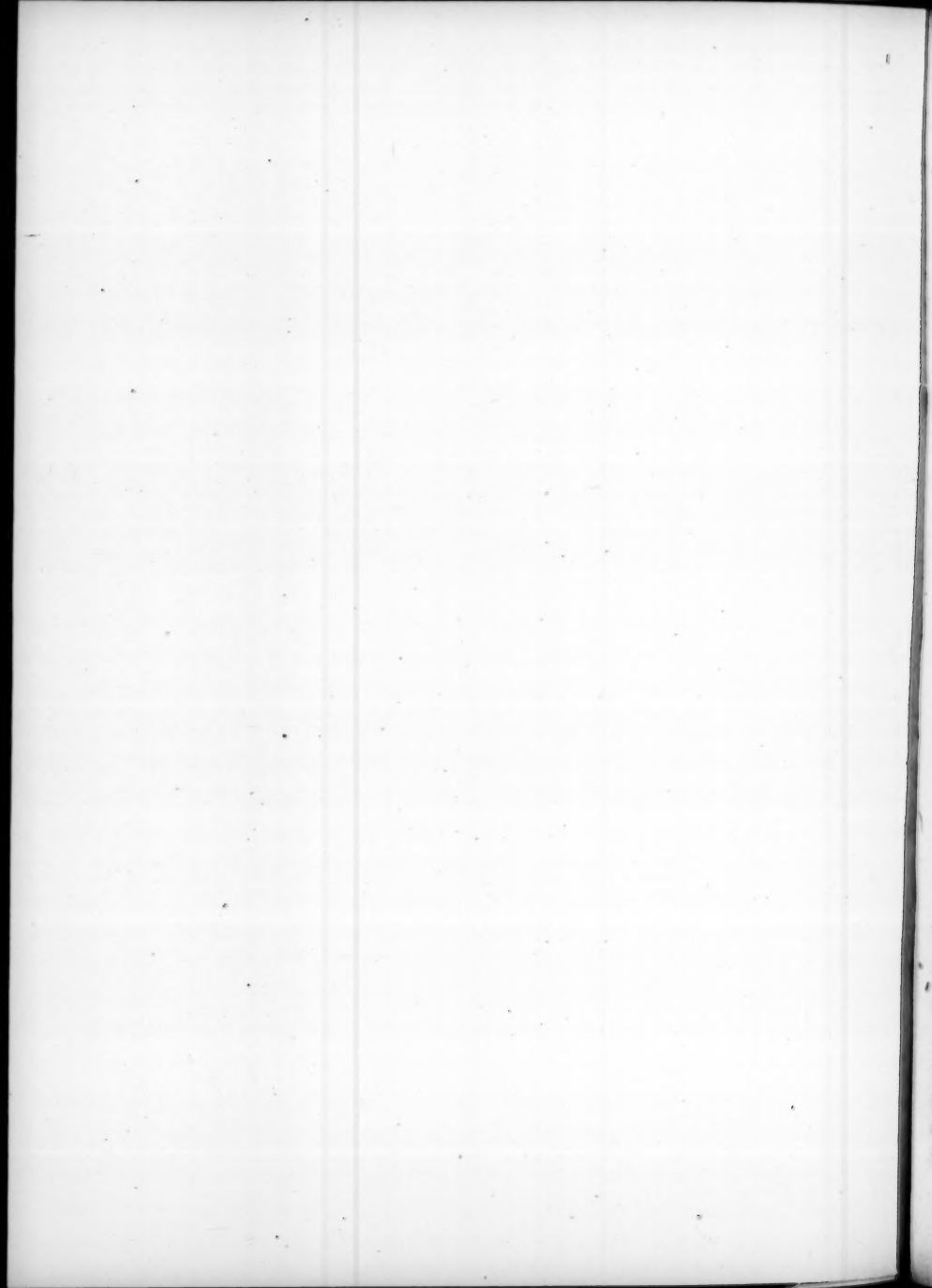
Thus much of the doctrine of Arbitrements, now of their severall formes.

An Arbitrement, or award of lands, by which the parties covenanteth to performe it.

Sect. 45.

THis Indenture made, &c. betwene W. R. &c. of the one partie, and L. G. &c. of the other partie, Witnesseth, that whereas there hath

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hath bene, & yet is contention, variance, & suite betwixt the said parties, not only for and concerning the right, title, and interest, of and in a certaine quantity of ground, by estimation two acres or thereabout lying in B. and adioyning to the Mill of the said W. R. in W. aforesaid, claimed by either of the said parties to be his owne land & inheritance: But also for and concerning certaine wayes to the Mill of the said W. through the ground of the saide B. from all the Townes, Villages, Hamlets, and other places in the South side of the river of D. bordering, lying, and being within the space of x. miles of the said Mill, & all other matters and controuerfies betwixt the saide parties, for the friendly ending and appealing of which said variances & controuerfies, the said parties haue compromitted and submitted, and by these presents doe compromit & submit themselves, and all matters in variance aforesaid, to the order, arbitrement, award, dome, & iudgement of F. W. and W. W. Whereupon the said arbitratozs hauing viewed the said ground in variance, and perused diuers writings and euidences concerning the same, and heard the testimony and twines of diuers ancient men & neighbors dwelling nigh the said ground, as well touching the occupation and vsage of the said ground by the said T. R. and his ancestors, as also the said wayes vsed vnto the said mill by the inhabitants aforesaid time out of mind, doe make & declare their award, order, dome, & iudgement touching the premises & euery part of them. * And the said W. R. and L. P. do covenant and grant senually either of them, to and with the other, for themselves, their heirs, executors, and administrators, in maner & forme following. And first the said Arbitratozs doe order, awarde, and iudge, And the said L. P. is so contented and agreed, and accordingly both covenant & grant, for him and his heirs, to and with the said W. R. his heirs &c. that he the said W. R. shall & may from henceforth haue, hold, occupy, and quietly enjoy to him and his heirs for ever, the saide parcell or quantitie of ground, containing by estimation two acres, lying and being on the South side of the river of D. directly ouer against the said Mill, and demesne lands of the said W. R. in W. aforesaid, as it is now bounded and meared south with stones by the said Arbitratozs, And shall also haue and may take to his and their owne proper vse all the trees now standing or being, or that hereafter shall grow in and vpon the said ground, and all other profits & commodities comuing of and vpon the said ground (only the thozers, bzars, and herbage, excepted and forspised) with free libertie, entrie, and passage, for the selling, beuwing, loading, carrying away, and taking of the same trees, and all other the saide profits and commodities (except before excepted) at all and euery time and times hereafter, at his and their pleasure, And

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that the said **W. R.** his heires and assigns, & all and every other person & persons, that shall come & bring any coine to the mill of the saide **W. R.** called **W. Mill**, from the said towne, villages, hamlets, or any other place inhabited, that have free liberties, ways, and passage for the carrying, fetching, and bringing of their coine to the said **Mill**, as well over & through the said parcell of ground set forth & inclosed as is aforesaid, as also through & over other the grounds of the said **L. P.** in & aforesaid, in as ample and large maner and forme, as the inhabitants of the said towne, villages, and hamlets, or other places have bin accustomed and used to do at any time heretofore, and as it is now most commonly used. * And shall and may tie and fasten any their horses, mares, or other beasts, wherewith they carry any coine to the saide **Mill**, to any tree growing, or other thing, being in and upon the saide ground, so that the string, cord, or rope excēde not the length of foure whole yards at the most. * And that the said **W. R.** his heires and assigns shall & may lawfully at all and every time & times so oft as neede shall require, amend, & repaire al and singuler the waies, & every part thereof, for the ease, safeguard, & passage of the inhabitants of the saide towne, villages, hamlets, & places inhabited, comming & going to & from the said mill, without any let, trouble, vexation, or contradiction of the said **L. P.** his heires or assigns, or any of them. And that the said **L. P.** his heires and assigns, shall at all times within the space of two years next insuing the date hereof, do make, knowledg, and suffer, or cause to be made, knowledged, and suffered al and every act and acts, thing and things, as shalbe reasonably deuised or aduised by the said **W. R.** his heires or assigns, or his or their learned counsel, at the only proper costs & charges in all things of the said **W. R.** his heires or assigns, for the further & better assurance and sure making, as well of the said parcell or quantity of ground, containing about y. acres, as also of the said waies, in maner and forme befoze expressed, vnto the saide **W. R.** his heires and assigns for euer, according to the true effect, meaning, and purport of these presents: In consideration whereof it is further obtained, awarded, deemed, and iudged by the said Arbitrator, * And the saide **W. R.** doth so covenant &c. that hee the saide **L. P.** his heires and assigns shall & may haue, take, & enjoy only the grasse and herbage, with the thornes and briers rarely growing, or bring in, or upon the said parcell or quantity of ground so bounded or set forth, as is aforesaid. And in further consideration of the premises, the said **W. R.** hath paid to the said **L. P.** at the in sealing hereof, at the request of the said Arbitrator, the summe of 20. £ &c. * In witnesse whereof, not only the said parties to these present Indentures of award interchangeably haue put their seals; and subscribed their names: but also

the said Arbitrators to both the parties of these Indentures, haue put their seales, and subscribed their names the day and the yere ec.

An other Arbitrement of debt, where the parties are bound to performe it.

TO all true Christian People to whom this present writing of a
ward indented shall come, G. W. G. S. S. S. and L. S. of ec. Sec. 46:
and greeting in our Lord God everlasting. Whereas diuers suites ec.
betwene L. W. and J. S. of ec. For pacifying, ordering, and ending
whereof, the said L. W. and J. S. haue bound themselves either to o-
ther in the summe of 1000. £ of lawfull English money, by their seuerall
obligations bearing date ec. with conditions therevnder written, to
stand to ec. vt supra, of the said G. J. S. & L. Arbitrators indifferently
plead & chosen, a swel vpon the part and behalfe of the said J. S. as of
the said L. W. to award, arbitrate, order, rule, iudge, end, and deter-
mine all and all manner of suits, debts, actions, controversies, debates,
& demands whatsoeuer, depending betwene the said J. S. and the said
L. W. and W. W. his sonne and heire: So that the said award were
made and given vp in writing vnder the hands & seales of all the said
Arbitrators, at or befoze the ec. at ec. as by the said obligations & con-
ditions amongst other things doth and may appeare. * Know you
well, that the said G. J. S. and L. taking vpon them y charge & burden
of the said award, & hauing deliberately heard the griefs, allegations,
& pleas of both the said parties, do by these presents, arbitrate, award,
order, decree, and iudge of and concerning the premises in manner &
forme following: that is to say, * First, they do award, order, decree,
& iudge by these presents, that the said J. S. his executors, or admini-
strators, or some of them, shall well and truly pay or cause to be paid
vnto the said L. W. or his certaine Attorney, exe^r or administrator or
some of them, at or befoze the ec. at, or in the ec. 200. £ of ec. & at or be-
foze the ec. other 200. £ of ec. in full satisfaction of 400. £. For payment
whereof the said J. S. stood bound to the said L. W. in and by seuerall
seuerall obligations, whereof two are already seised, as hereby
may appeare. * Also the said Arbitrators doe award, order ec. that
the said J. S. his exe^r & administrator, or some of them, at their or some
of their costs and charges, shall befoze the ec. cause and procure, that
all suits, bills, plaints, and informations heretofore commenced against
the said L. W. in any court or courts whatsoeuer, either by or in the
name of the said J. S. or by or in the name of W. S. his sonne, or by or
in the name of our soueraigne Lady the Q. Maie^{ty} that now is, and
of every, or any of the, or by or in the name of any other person or per-
sons, by the consents, meanes, & procurements of them, or any of them,

P. G.

shall

Compromise and

shall thenceforth surcease, and be no further proceeded in by them, nor any of them, or by the means, consent, or procurement of them, or any of them. And before the ec. be utterly discontinued & made void. * And the said Arbitrators be further a ward, order, decree and indge by these presents, that for the sure payment of the said summe of 400. pounds the saide J. S. and C. S. within two dayes next after tender or delivery of the one part of this present award to the said J. S. shall well and sufficiently make, seale, and deliuer as their debts to the said W. W. in ec. one obligation or writing obligatory sufficient in the Law, wherein and whereby the said J. S. and C. S. shal acknowledge themselves, and either of them to be jointly and severally bounden to the said W. W. in the summe of 800. pounds of ec. with condition thereupon in due forme of Lawe indorced for the sure payment of the saide summe of 200. l. parcell of 400. l. at, or in the ec. before ec. And the other 200. l. residue of the said summe of 400. l. at, or before the ec. and at ec. * Also the said Arbitrators doe further award ec. that the saide J. S. his executors, or administrators, or some of them, shall, and will before the ec. at his and their owne proper costs and charges, cause, and procure to be cancelled and made void one recognisance of 200. l. bearing date the ec. knowledged and enrolled in the R. M. Chauncery high court of Chancerie, wherein & whereby the said W. W. standeth bounden to the said J. S. in the said summe, with condition thereupon annexed, That if the said W. W. his heires, executors, and administrators, and every of them, should well & truly observe, performe, fulfill, and keep all & every the covenants, grants, articles, and agreements, which on his and their parts were to be observed, performed, fulfilled, and kept, contained and specified in one Indenture, bearing date the ec. had and made betwene the said W. W. on the one party, and the said J. S. on the other party, concerning the marriage of W. W. sonne and heire apparant of the said W. W. and A. S. daughter of the said J. S. according to the true intent, purport, and effect of the said Indenture: That then the said Recognisance to be voided, and of no effect, or else to stand ec. as by the said Recognisance and Indenture moze plainly and at large appeareth. * And also that the saide J. S. his executors, or administrators, or some of them, shall, and will before the feast of ec. deliver, or cause to be delivered unto the said W. W. his executors, or administrators, or some of them, in the said now dwelling house of the said W. W. aforesaid, the said Indenture of covenants concerning the foresaid marriage, cancelled, or to be cancelled. In witness whereof the said Arbitrators to both partes of this present award indented, have set their hands and seales, Dated ec.

An Arbitrement or award of debt made by an Earle upon submission by bond.

TO all true Christian people, to whom this present writing of award indented shall come, The right Hon. Our earle Marshall of England, ec. sendeth greeting, ec. Whereas divers suits, variances, controversies, & debates, hitherto have bin had, moved, & depending, betwixt **L. G. of L.** in the county of **P. resman**, on the one party, and **J. P. of D.** in the said county gentleman, on the other party: For pacifying, ordering, and ending wherof, the said **L. G. & J. P.** have bound themselves either to other in the summe of 400. l. of ec. by their severall oblig bearing date ec. now last past, with condition thereunder writingen, to stand to, abide, performe, fulfil, and keep the award, order, rule, doctee, verdict, & determination of the said earle indifferently elected & chosen by the mutuall consent, & at the earnest & humble request and petition of both the said parties, to arbitrate, award, order, iudge, and determine of, for, and concerning all and all manner of actions, suites, quarrells, debts, duties, and demands whatsoever, had, moved, or depending, or which hereafter might be had, moved, or depend betwixt the said parties, by reason of any matter, thing, or things whatsoever, accrued, or growne from the beginning of the world, untill the day of the date of the same obligation: so that the same award were made in writing indented, under the hand and seale of the said earle before the 19. day of ec. and thone part of the same writing indented, delivered, or caused to be delivered by the said Earle to the said **L. G.** his executioner, or any of them, or to their, or any of their use, upon, or before the said 19. day of ec. at, or in the new mansion or manors house of the said earle, called **W.** in ec. and the other part thereof, to the said **J. P.** ec. *visupra*, as by the said obligat & conditions thereof both & may more at large appeere. * In now you now, that the said Earle of his mere good will and favor which he beareth to both the said parties, and of the great and honorable respect, which he hath of their future quietnesse, taking upon him the charge & burden of the saide award, and having deliberately at sundry times at large heard and considered the griefs, allegations, and protest of both the said parties, doth by these presents arbitrate, award, order, doctee, & iudge, of and concerning the premises in manner and soyme following, viz. * That the said **J. P.** his ec. or some of them, shall well and truly pay, or cause to be paid unto the said **L. G.** his ec. or some of them, the summe of 160. l. of ec. in the ec. in manner and soyme following, viz. upon ec. 80. l. thereof, and upon ec. other 80. l. thereof residue, and in full payment & satisfaction of the said summe of 160. l. * And that in consideration thereof the said **L. G.** shall permit, and suffer all suites, actions, quarrells, debts, duties, and

Seal. 47:

P. ij.

demands,

demands, grownt before the date of the said oblig to waste, and be discontinued, and no further prosecuted by him, or any other by his procurement: * And for the more, soasmuch as the said F. G. is charged, as is afore said, for the payment of the said summe of 100. l. partly by reason of a iudgement heretofore given for the said L. G. against one L. G. in the W. maistres court, commonly called the W. Bench, in action of debt, in which the said L. G. hath recovered against the said L. G. 83. l. 4. s. 8. by the record thereof remaining in the said court appeareth. His hono^r doth further award by these presents, in reliefe and ease of the said F. G. that if the saide F. G. his ec. or any of them doe well and truly pay or cause to be paid the said summe of 100. l. according to the true meaning of this present award. And if the saide L. G. his heires ec. or some of them shall not well and truly satisfie, content, and pay vnto the saide L. G. his ec. the said severall summes aboue in this award appointed to be paid by the said F. G. before the severall dayes hereina above mentioned: That then and at all times after any such default of payment so to be made by the said L. G. his ec. the said L. G. his ec. shall permit and suffer the saide F. G. his executors and administrators, and every of them, at the costs and charges of the said F. G. his executors and administrators effectually to prosecute, or cause to be prosecuted all and every such execution and executions upon the said iudgement so had for the said L. G. against the said L. G. as to them, or any of them, or the learned counsell of them, or any of them shall seeme good. And all and every summe of money thereby to be obtained, to take and convert to the only proper use & behalfe of the saide F. G. his executors and administrators, without any account, recompence, or payment thereof, or therefore to be paid or made to the said L. G. his ec. or any of them: any thing in this present award contained to the contrary notwithstanding. * In witness whereof, the saide earle to both the partes of this present award hath set his hand and seale, Dated &c.

All such couenants & conditions as be vsually made for the assurance or enioying of lands or tenements, goods, and chattells, may be inserted into awards, as shall seeme good vnto the Arbitrators or parties.

Of notice of the Arbitrement.

Sec^t. 48.

AND when the Arbitrators haue made their award, according to the submission, albeit perchance they be not bound to giue notice thereof to the parties, yet it seemeth very requisite, that they should in due time, before that either party be to performe any part thereof, notify the same vnto them, lest otherwise they might breake their bonds or couenants in that behalfe (if any such be) before they know the same. Notwithstanding, that the booke in 3. E. 4. 1. & 9. be doubtfull in that point.

The

The small cause and effects of Arbitrements.

And thus, by that which hath bin discoursed, it sufficiently appereth (as we thinke) that the scope and end of Arbitrements, and other iudgements is all one: And chiefly the small determination of strife, suit, and controuersie, 19. H. 6. 36. And so consequently their effects be almost equall. But the Lawes seeme moze fauorable to arbitrements then other iudgements, inasmuch, as by Arbitrators the first course & tedious ceremonies of lawe suites (which are most commonly wont to wearie suiters, and picke their purses) are cut off, and shorter decisions by them made, with little or no cost at all.

The deferre to thew how Arbitrements may be pleaded in barre of other actions, untill we come to their fit place amongst our precedents of pleadings, and so end this Treatise.

Secl. 49:

An award made by an Arbitrator touching copyhold land, betwene an Alderman of London, and another.

The first Christian people to whom this present writing of award intended shall come, *H. W.* of *Lincolnes Inne* in the Countie of *Spiddleer Esquire*, sendeth greeting in our Lord God everlasting, Whereas suit, variance, and debate heretofore hath bene, and yet is bin moued, and depending, aswell in the *Queens maiesties Court of Requests*, as in diuers other Courts, betwene *A. B.* Citizen and Alderman of London of the one party, and *R. C.* of *Burthe County of Sp.* proman of the other party, of, for, and concerning the right, title, use, interest, and possession of diuers lands, tenements, and hereditaments, with the appurtenances, lying and being in *B.* within the manor or lordship of *E.* within the saide County of *Sp.* and containing by estimation about two hundred acres of land, meadow, pasture, and wood, commonly called or knowne by the name of *Debines land*, for the appeasing, final end, and determination of all which saide suites, variances, and debates, the parties aforesaide haue submitted, and compromitted themselves to stand to, obey, and perfoyme the arbitrement, ordinance, decree, and iudgement of in the said *H. W.* Arbitrator indifferently elected, named, and chosen by both the said parties, indifferently to arbitrate, order, decree, award, and iudge as well of, for, and concerning the estate, right, title, interest, use, and possession of all and singular the saide premises, and euer in part and parcel heretofore, as also, of, for, and upon all manner of actions, suites, quarrels, debts, debates, trespasses, and demands whatsoeuer, heretofore had, wroue, stirred, or depending betwene the saide parties from the beginning of the world untill the twentieth day of November last past, as by thei severall writings obligatorie, wherein

Secl. 50.

P. iij.

either

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either of the saide parties stand bounden to the other of the same parties in the summe of 100. l. bearing date the saide 10. day of Apr. and made for the true performance of the saide award, more at large it both and may appere. Whereupon the said W. E. having taken upon him the charge and burden of the saide arbitrement. And having present before him both the saide parties, & having also very advisedly and deliberately weighed and considered the titles, claimes, allegations, and proofs, of either of the saide parties to the saide premises. And by sight and due consideration of all the evidences, writings, & proofs shewed and made before me the said W. E. by both the saide parties, do award, arbitrate, order, decree, and iudge of the premises in manner and form following: that is to say, first, That the said Arbitrator do award, decree, order, and iudge, that the said R. E. or his heires at all times within thre yeres next ensuing the date of these presents, upon lawfull and reasonable warning by the Steward, Bayliffe, or Reeve of the saide manor of E. for the time being shall at the next Court so to be holden, then next after such warning had, surrender & give up into the hands of the said R. W. his heires or assignes in open Court, according to the custome of the saide Manor, to the use of the said R. W. and his heires forever all and singular the aforesaide lands, tenements, and hereditaments, hereafter in these presents mentioned, expressed, and declared: that is to wit, one mansion or dwelling house, where in the saide R. E. now dwelleth, with all edifices and buildings &c. And further, more, That the saide W. E. do award, ordaine, decree, and iudge by these presents, that the said R. W. his heires or assignes at the saide Court, thence, and when the said surrender shall be so made, shall assure and convey unto the said R. E. or to his heires, that shall so surrender the premises as aforesaid by copp of Court roll, according to the custome of the saide Manor, or otherwise, as by the said R. E. his heires and assignes, or any of them, or by his or their learned counsell shall be reasonably devised or advised, and at the proper costs and charges of the said R. E. his heires and assignes, not altering by the saide assurance or assurances so to be devised or advised, as is aforesaid, any custome, libertie, or jurisdiction of the said lordship, manor, or other the premises, with all and singular the saide lands, tenements, and hereditaments, and all other the premises, with their appurtenances whatsoever, before by these presents ordered and iudged to be surrendered as is aforesaid (4. acres of land now in the occupation of ec. purcell of the premises to be chosen by the said R. W. or only excepted and so excepted.) To have and to hold the same lands, tenements, and all other the premises with the appurtenances (except before excepted) unto the said R. E. and to his heires males incoextinct within the fourth de-

of consanguinitie, according to the aunient custome of the saide
 countie. And if it happen that the said R. C. do decease before the saide
 order made, as is also said, Then to have & to hold the said pre-
 mises with the appurtenances to the heires of the said R. C. which so
 shall surrender the same, and to his heires males intocrupt within the
 fourth degree of consanguinitie &c.

*An award reciting that either of the parties stand bound to other to per-
 forme the award. And that the award is made before the prefixed time
 in the Obligations, and with the full consent of both the parties.*

To all Christian people, to whom this present writing indented
 of award shall come, R. W. and R. C. send greeting in our Lord
 God everlasting. Know ye that whereas variance, strife, debate and
 controvercie hath hertofore bin had, moored, and stirred betwene A.
 B. of C. and D. C. of F. of, for and concerning the right, title, interest,
 use, possession & occupation of &c. for the appraising and ending where-
 of, either of the said parties by their mutuall assents, consents, and a-
 greements, have submitted, committed, and bound themselves ei-
 ther to other by their severall writings obligatory, bearing date &c. in
 the summe of &c. to stand to, abide, obey, observe, performe, fulfill and
 indue the award, arbitrement, ordinance, decree, and judgement of
 &c. Arbitrators indifferently elect and chosen, betwene the saide
 parties, of, and for the premises, as by the saide severall obligations
 with condition for the performance thereof more at large appereth.
 Whereupon we the said Arbitrators taking upon us the labour, bu-
 sines, and charge of the same award, and willing to set the said parties
 at final peace, unite, and concord, for and concerning the premises,
 have by good advise, and deliberation seene, heard, and thoroughly exa-
 mined both their titles, allegations, evidences, and proofs, in, and to
 the saide premises, and thereupon before the day and time appointed
 unto us by the said obligations for the making, giving up, and finish-
 ing of the said award, we the said Arbitrators by and with the full as-
 sent, consent, and agreement of both the said parties, do make, publish,
 decree, and give up this our present award betwene the said parties
 of, for, and concerning the premises, in manner and to the following.
 First we award, ordaine, decree, and indue that &c. Also we award &c.
 And finally we award, ordaine, decree, & indue &c. In witness whereof,
 we the said Arbitrators, and also both the saide parties to the award
 have interchangeably put our hands and seals the .v. day of .M. in the
 .vi. year of the raigne of our soveraigne Lady Eli. by the grace of God
 of England, France, and Ireland Quene, Defendoz of the faith, &c.

Sec. 51.



SYMBOLEOGRAPHY.

Of the Chauncerie, Proceedings in the Same, and Supplications, Billes, and Answers.

The Chauncerie.

Sect. 1.



King, by Gods saueur, we intend somewhat to discourse of the manner of proceeding in Chauncery suites, and to set downe some pre- sidents thereof, to the performing whereof, it seemeth requisite first to vnfolde the nature of Equity, conscience, and the rigour of the com- mon Lawes of this Realme, as the proper ob- iect of matter wherabout such suites are for the most part occupied, to the end it may with the moze facilitie be vnder- stood, how, and when such suites are fitt to be taken in hand. Therefore we will first speake of *Summum ius*, (which oftentimes precisely re- gardeth the very letter and wordes of the common Lawes:) for reme- dy whereof, parties grieved, pray aide of this honourable Court of Chauncery, to brydle extremitie, and reduce such rigour to Equitie and Conscience.

Sect. 2.

Of strict or precise Law, which is called Ius summum.

ARISTOTLE calleth it exact or precise Law, because that, if it haue no allay in it to qualifie the harshnes and severity of it, it is vnplea- sant and solwe in taste, and repugnant to Equitie.

And BUDÆUS saith, that this word (strict and precise Law) is a word which, amongst the Ciuilians, signifieth very hard law, exact, and full of rigour, and almost vniuersall: for they that wite of the law, make these wordes, strict law, and Equitie, opposite thone to thother: thus saie Bu- dæus. The Lawyers do also tearme it, *Ius subtile*, subtil Law. Other Lawyers do terme it, *Summum ius*, law in the highest degree, or most exact, and it is so taken of them, when men stand moze vpon the letter of the law, then vpon the meaning of the writer, or maker of the law. In which behalfe, it so falleth out oft times, that vnder a colour of know-

knowledge of the Lawes, many grosse and dangerous errors be committed, Corasius Miffel. lib. . . cap. 8. Nu. 12.

Oldendorpius diuideth this Ius summum, or Lawe in the highest degree, into two branches: thone proper, the other improper.

Law in the highest degree, so properly teatined or taken, is an inviolable and infallible rule of honestie, which may generally without exception be put in execution in any commonweale, whether it be originally grounded vpon the law of Nature, or vpon the lawe of Nations: for examples whereof you may take all the rules and principles of the law, for these rules and principles of the law, doe in their kind, most strictly and exactly define and bound out the matter which they handle, barely and nakedly, without any regard of circumstances of fact that may fall out, of which sort of rules are these. Keep thy word, hurt no man: These are generall rules of Law in the highest degree, so righteous and full of iustice in their kind, that by the law of Nature it selfe, better and moze rightfull cannot be giuen, Lib. 1. F. de pactis.

But here you see no respect had to any circumstance, of your word, hurting, for this point belongeth to Equity, or the Court of Conscience, which with vs is called the Chauncery, as the case may fall out: and the law in the highest degree, being thus properly taken, is wongfully termed by the common sort of men, wiong in the highest degree: to speake generally, and at a word, it is the iustest reason that may be, whether naturall, or rationally, so farre is it from being to be rightfully taken wiong, untill it be stretched, and as it were set vpon tenetropes, to be drawne to some inconuenient circumstance of the fact: as when a man doth covenant or giue his word to do some dishonest fact, or hurtfull and dangerous to the commonwealth. In which case, if a man should wright this rule of law, Keep thy word, in stead of doing right in the highest degree, he should commit iniustice in the highest degree: not because the Law hath any fault in it selfe, but because through his error, and cancelling with the Law, he worketh wickebrides, not iudging aright the circumstances of the fact, wherein law and right standeth, Li. Si. F. de pactis.

Law in the highest degree improperly taken, is so termed, when by an over rigorous & hard interpretation it is drawne to inconuenient kinds of facts, or by colourable agreements is drawne so to frustrate the meaning of the Law, L. Inciuile cum L. seq. F. de legibus. Many examples hereof we haue in the law: as it is a lawe, that no man shall be forced against his will to commence or maintaine any suit or action: now put the case, that J. S. is wiongfully impleaded by J. P. who hath framed a cunning action full of glorious shew against him the said J. S. But J. P. finding in conclusion that he is not able to pprove
and.

Of the Chauncerie.

and make good his action, becomeeth non suit, J. S. praieth remedy of the Judges against this wrongfull veration of J. J. and he the said J. J. in defence of his wrongfull veration, vnderth this rule of Lawe, that no man is compellable to maintaine an action: that he be heard in this case. So saith Iustinian, this false glose of J. J. is nat to be suffered oʒ borne withall. This terine oʒ word of Lawe in the highest degree being thus taken, we may wel say, that law in the highest degree is wrong in the highest degree. For the moze subtilly that a man doth argue, and the moze authorities he heapeth together, to enforce such a law, so much the moze and greater wrong and iniustice shall be done,

Of Equitie.

Sect. 3.

Equitie is that which is commonly called equall and good, & some times equall and iust, and sometime equall, iust, Lib. 1. & Pen. F. de Iusticia & iure, L. si & ius F. certum petatur, Arist. termeth it Epieicenes, and other terme it Epieician, which is as much to say, a mitigation, oʒ moderation of the law wʒitten, in some circumstance, either of the things themselves, of the persons, oʒ of the times. Law (saith Donatus) is that, that maketh al things streight, and not pliable to thone, noʒ other. Equitie is that, that dispenseth with many points of the law. Oldendorpius saith, that Equitie is nothing else, but a sound oʒ byright will oʒ iudgement of an honest man, nothing crafty oʒ subtil, so measuring out to enery man that, that is his, that in the meane while no man is wronged, as appereth most elegantly in I. bonafides I. Incurrit F. depol.

Equity as some other say, is a reasonable measure, containing in it selfe a fit propozition and rigo, so that it differeth from Law in this, that law is a determinate sentence set downe according to the rules of the Lawe: But Equity is a certaine propozition and allay, upon good occasions setting on side the common rules of the law, and so they call it a ruled kind of Justice, allayed with the sweetnesse of mercy.

Equity is diuersly termed in the Law, sometime it is very significantly called a Conueniency, because it ministreth amongst men, a fit propozition, answerable to the persons, the matters, the places, and the times. Sometimes, plaine dealing is called Equity, which is opposite to the dealing of man by nice points of the Law. Sometime it is taken for naturall Justice, oʒ the Law of Nature. Sometime it is taken for Law that is opposite to forged and deuised law. Sometime it is taken for Religion &c. And to be short, Equitie is the correction oʒ amendment of a good Law, which is defectiue in some part, by reason of the generalitie of it.

Of the division of Equitie.

Equitie is twofold, witten and not witten, for Equitie may be both in Scholes, and places of Judgement two ways: the one, by taking good heed, how, and in what sort, Princes and Lawyers have observed Equitie, in making and setting downe of lawes, appointing to be rules and squares of mens actions: so that if at any time any case fall out, which is in all points answerable to the Law, void of any different circumstances, which might require some change, or alteration of the Law, they may accordingly frame their judgements, being sure and out of doubt, that the law of Equitie is already challenged out to them.

Sect. 4.

Another way Equitie is to be practised in these particular facts, which daily fall out, and have no certaine line and square set out for them in the lawes already made, so that we must be forced to deliver our judgements in them, according to certaine circumstances, applying as we can, to the principles of our law. And herein standeth the greatest use of Equitie, most fit for commonweales: and therefore we may well call it an unwritten Equitie; not because we are at our liberties to define and determine of it, without due regard had to the law witten, but because it taketh some liberty not to bind it selfe to the generall Rules of the Law.

Of the efficient cause of Equitie.

God is the efficient cause of Equitie, who hath so disposed of the nature of mankind, that we are not in any wise able, to set downe a certaine rule for future things, and yet hath bestowed upon us so much knowledge, as whereby we may frame certaine generall rules of honest life, which may serve for directions in all particular actions and facts, daily and hourly falling out amongst men, if they be truly and carefully examined by the rule of Equitie, which hath heretofore been upon all ordinary circumstances.

Sect. 5.

Of the materiall cause of Equitie.

The law of Nature, the law of Nations, and good manners, are the materiall cause of Equitie, for a well minded man, and of sound judgement, will make of these an wholesome and very medicinable mixture for any state and commonwealth. But the matter whereabout this Equitie must occupy and busie her selfe, are the affaires of men, infinite, as they fall out. For right or law will be rightly ministered, if as matters fall out, the circumstances thereof duly considered, the ministers of the Law doe frame their judgements accordingly.

Sect. 6.

of

Of the formall cause of Equitie.

Sect. 7.

The formall cause of Equitie is the matching and leuelling of facts falling out, and the circumstances thereof, with the rules of the Law, as buildings are framed to Carpenters lines and squares.

Of the finall cause of Equitie.

Sect. 8.

The finall cause of Equitie, or effect is, to keep an equalitie amongst the state of men, who are at much odds and squares amongst themselves, to thend the commonwealth may be preferred in safetie, which standeth for the most part in righteous iudgements.

Why Equitie is sometimes compared to a rule.

Sect. 9.

Not vnfitly is Equitie termed, the rule of maners: for as by a rule the faults of a building are discouraged, so both Equitie indgeth a right, both of the written Law, and also of all mens actions and behaviours: and therefore such as are ministers of iustice, apply and frame their iudgements, after the square and rule of god and egall, that is to say, of Gods Law, and the Lawes of Nature. Against which lawes, what Iudgements soeuer be giuen, can not be but vnjust and vnrighteous.

How Equitie and Clemencie differ.

Sect. 10.

There is a difference betwene Equitie and Clemencie: for Equitie is alwayes most firmly knit to the will of the Law, which way soeuer it bends, whether to clemencie, or to severity. But clemencie is onely proper to the Prince, or those Magistrates, that haue the power of administration of iustice, as Princes haue.

Of the difference betwene Equitie and strict Law.

Sect. 11.

Strict Law and equitie differ herein, that strict law doth set downe one way or other: it taketh order for things, once for all: the grounds & principles which it bringeth forth are vniuersal, and full of severity & sharpnesse, from which rules it will not start asid, no not the bignesse of an haire. But Equitie is fitly compared to a Shoemakers Shop that is wel furnished with all sorts and maner of lasts for mens feet, where each man may be sure to find one last or other that shall fit him, be he great or small. It is not also vnfitly compared to an Apothecaries Shop, stocked with all kind of drugs, fit for all the maladies & diseases of men. Which drugs notwithstanding, in case they should be vnskillfully compounded together, would instead of healing, work present death to the patient that should recieue them: for it requireth the industry and equitie

quills art of a good physician, to make a right composition, discerning
tempering by iust proportions good venims from euill. In like sort
in affairs both publicke and priuate, equity both particularly and care-
fully examines the causes, the times, the circumstances, the sort and
differences of persons, and matters, and by former iudgement given
in like cases, gathereth and frameth an absolute and perfect deciding
and determining the matter presently in question and sute.

And S. German to the like effect saith, Equitie is a righteousness
tempered with mercy, which considereth all the particular circum-
stances of the deed, Doct & Stud. lib. 1. c. 16.

This Equity saith he, must alwayes be obserued in euery lawe of
man, and in euery maxime or generall rule thereof, for that mens ac-
tions diuers & infinite, that it is impossible to make any generall law
which may aptly meet with euery particular act, and not faile in some
speciall case. Wherefore law-makers do foresee things which may oft
happen: in so much as strictly to obserue the word and tenor of the law,
would in some cases be against iustice & the commonwealth. And yet
in such cases we must sticke fast to that which reason & iustice re-
quire, which is, that equity may mitigate rigore iuris, which equity
is no other thing, then an exception of the law of God, or of the law of
reason, from the generall principles of mans positiue law, not agree-
ing with them in some particularity, which exception is inwardly im-
plied in euery generall ground or maxime of the law. And yet taketh
not away the very right, but substituteth right in stead of that which
by thonly letter of the Law seemeth to be right, & is not. Neither may
we therefore accuse the Law of cruelty, which (as is said) generally tak-
eth, is good of it self, & not cruel, though it reach not fully to euery par-
ticular circumstance of mens actions. And therefore if a law were made,
that no man vnder the paine of death, should open the gates of a citie
before the Sun rising, yet he who for saving the citizens flying from
their enemies to the same gates, openeth them before that time; offend-
eth not thintent and equity of that Law, Do. St. lib. 1. cap. 6. And if a
statute were made, that whosoever doth such an act should be put to
death: yet if one of non sane memoria, or an infant of tender years,
which wanteth discretion do such an act, this shall not therefore suffer
death: And if a statute were made, that whosoever receiveth or aideth
with meat, drink, or otherwise a felon offending knowing his offence,
shall be accessory therunto as a felon, yet if his wife knowing his offence
receiue and aide him, she shall not thereby be a felon: for the gener-
ality of such statutes, madman, infant, and his wife are not
intended to be included, but excepted by implication. And finally we
may gather, that the outward word of the law only is not the law,
but

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but the inward sence and meaning thereof : For our Lawes (as all other Lawes) have two parts, that is to say, the flesh & soule, The Letter resembleth the flesh, the intent & reason, the soule : Nam ratio legis est anima legis, The Law may be compared to a Nut, whereof the letter resembleth the shell, the sence the kernell, and as the profit of the Nut is not in the shell, but in the kernell, so the fruit of the Law is not in the letter, but in the sence : and as he which resteth vpon the shell leaseth the fruit of the Nut, so he which staieth vpon the letter wanteth the profit of the Law, for the letter is sometimes larger, & sometimes narrower then the intent which Equity regardeth, Plow. 9. b. 465. a.

And Bracton of Equitie writeth thus : æquitas est rerum conuenientia quæ in paribus causis paria considerat iura, & omnia bene coequiparat. Et dicitur æquitas quasi æqualitas, & vertitur in rebus, id est, in dijsis & factis hominum. Li. 1. c. 4. Sect. 35.

How the Chauncery is termed the Court of Conscience.

Sect. 12.

AND so much as this Court biddeth the rigour of the common Law, by giuing actions and exceptions for remedies where by law none were, according to equitie and conscience; to maintaine æquum & bonum, the common people terme the Chancery the Court of Conscience: yet herein conscience is so regarded, that Lawes be not neglected, for they must ioyne hands in the moderation of extremities, Diuers. Cus. 105. Nam ipsæ etiam leges cupiunt: vt iure regantur, id est, vt leui, facili, ac benigna interpretatione temperentur, vereq; dicitur, Nullus recedat à Cancellaria sine remedio, 4. H. 7. 4.

Of Conscience.

Sect. 13.

THIS Conscience is defined, Reliqua in homin rationis scintilla, bonorum, malorumq; factorum, index & iudex: igitur & bipertita ea approbatio, scz. & opprobatio, illa in bene, hæc in secus factis. Iustus Lipsius lib. ciuilibus doctrinæ cap. 5. 02 thus.

Conscientia est tacitum animi infallibileq; facti nostri iudicium, à communi Iustitiæ formula, quam Deus insculpsit omnibus hominibus, productum, per qd aut accusatur res mala aut defendit bona, Oldendorpius, Corasius in Miscel. lib. 4. c. 20.

Conscience is an actuall applying of knowledge to some particular act of man, as S. Germaine saith, Doct. & Sen. cap. 15. And Synderesis, which is termed a naturall power of the soule, perswading good and dissuading euill, D. S. lib. 1. c. 13. & is nothing else but attenta obseruationis occasio cum omnibus circumstantiis eius, Thome Aquinas lib. 7. an. 1. ministrereth the generall principles of that knowledge. Verè igitur dicitur, Cōscienc' verā nisi adhibear, Iudex nō potest causam sed in æquitate.

causam definire, si mille testes, totidemque videat ob oculos instrumenta: Conscientia enim, cum mille testium vim obtineat, certa est, non fallitur. Ac in probationibus sepe vel error, vel dolus versatur, sicut experientia heu nimis frequens nos docet. *Oldend.*

Of Judgements in Chauncerie.

So great is the power, iurisdiction, and maiesty of this court, that Judgements therein giuen are not to be controlled or reuerfed in any other court, than the high court of Parliament, which is the chief of all other Courts in this Realme, *Divers. Cur. 103. 37. H. 6. 14.* Sect. 14.

Of the power ordinarie of the Chauncerie.

And this court is armed with twofold power, that is to say, with power ordinarie and absolute, *9. Ed. 4. 15.* Sect. 15.

By ordinarie power the Lord Chaunceloz proceedeth as at the common Law, as in proceeding upon Recognizances there knowledged, and traueses of offices, in which parties are to pleade and forye issue as at common law. And so in suit against, or for, Clerk of the Chauncerie, and other persons privileged by Attachment there for matters of action remediable by the common Law &c. But when they be at issue, the Record must be transmitted into the Kings Bench, to be tried by Jury. And when it is so tried, it must be remanded into the Chauncerie, that iudgement may be there giuen; and execution had upon the same, *24. Eliz. 1. 14. B. 4. 7. 8. Ed. 6.*

Of the power absolute of the Chauncerie.

The absolute power is not tied to the rules of the common Law, Sect. 16. but by that matters may be examined omnibus viis & modis, quibus rei veritas melius sciri poterit, and iudged sed in allegata & probata, and not by Jurie of 12. men, as at the common Law: But by examination of witnesses, as in the courts of the ciuill Law, *Smith de republ. Angl. lib. 2. ca. 2. Divers. Cur. 106. 9. Ed. 4. 15.* Neither is such precise forme of pleading vsed in the Chauncerie, as at the common law, nor any advantage to be taken for mispleading, or want of forme, so as the substance of the matter be sufficiently disclosed in conscience; *Divers. Cur. 106. 9. Ed. 4. 15. 24. Ed. 3. 45. 14. B. 4. 7.*

Divers other speciall authorities and priuiledges hath the Lord Chaunceloz by sundry Statutes, as thereby appeareth. And partition made in the Chauncerie tending to the good, and may well be sent into the Kings Bench, and execution there upon made by Scire facias, *37. H. 6. 43. li. Aff. 32.* And if lands be recovered from a woman whereof she was endowed in the Chauncerie, she may haue a Scire facias there to be newly endowed, *29. Aff. 23.*

Of the Chauncerie.

Sect. 17.

Ad seeing the ordinary means to call and bring in the parties to answer in this Court, is either by the Serjeant of the space, as before, or by Subpoena, which only is the originall proces of this court, and must be directed to the parties, Doct. St. li. i. ca. 17. Smith de rep. Angl. li. a. cap. 13.

Sect. 18.

Having thus perused Equitie and Summum ius, with their differences, and also what Conscience is, whereupon suites in this court do chieflie lie: It seemeth good now specially to consider such speciall cases as be remediable in Chauncerie, and for which a writ of Subpoena lieth there, as in cases following.

A Subpoena lieth in no case but where the common law faileth, so as the party who in equity hath wrong, can have none ordinary remedy by the course and rules of the common Law, 39. H. 6. 26. 7. H. 7. 11. as in these cases following, and such like.

As if the King by his letters patents giue unto A. goods so written to his highnes by treason, A. may sue for the same in Chauncery, 39. H. 6. 26.

And it seemeth if one Coercitor alone release debt due to the King, his companion may thereof have remedy in Chauncerie against his Coercitor only, if no coin be in the debt; but if there be, then against them both, 4. H. 7. 4. Direct. Cur. ro. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

And by Moyle, if in a Quare impedit by two Coparceners, they make a false plea of coin betwene him and the defendant, then his companion by suit in the Court, may enforce him to foryne with him in a true count, 6. Ed. 4. 10.

If lands in ancient demesne extended by Statute of Parliament, be recovered by common recovery, the cognize hath no remedy but in conscience, 7. H. 7. 11.

If feoffees in trust, commanded by cestuy q. vie to enfeoffe his vendee, refuse to doe it, a Subpoena lieth for the vendee against them, 37. H. 6. 36.

If cestuy q. vie dequise by his will, that his feoffees make an estate to J. S. for life, the remainder to H. in fee, and J. refuse to take his estate, H. after the death of J. may by Subpoena compell the feoffees to make estate to him accordingly, per Lenny & Finch, 37. H. 6. 36.

Tenant in borough English enfeoffeth A. to the vie of the feoffor and his heires, and die, his youngest sonne shall have a Subpoena, and not the eldest, for the vie is of the nature of the land, 5. Ed. 4. 7.

If a man make a feoffment in trust of lands descended to him ex parte matris, and die without issue, his heire ex parte matris may have a Subpoena, 5. Ed. 4. 7.

If a man make a feoffment to performe his will, and after to in-
duce his heirs, and declare his will for yeres, and die, having issue a
sonne and a daughter by one wenter, and a daughter by another wen-
ter, the sonne dieth without issue before the will be performe, his sh-
er of the whole blood is to have execution of the estate by the feoffees,
his possessio fratris de feodo (of an use) facit forem esse heredem, and
the will for yeres is no impediment of the possession: but otherwise if
it had bin of franktenement by the Reporter, s. Ed. 4. 7.

only, 7.Ed.4.14.

319. know that W is indebted to mine W, of my will, of hath
 poss given to him to mine W, and buy the lands of goods for money,
 a Subpoena lieth against the vend^{or} and vend^{ee} to performe the will
 of W, 5. Ed. 4. 7. 12. E. 4. 8. Divers. Cur. 106. But against the vend^{ee}
 only if the vend^{or} haue no such notice, Divers. Cur. 106.

A man by Subpoena may enforce his feoffment of trust to buying actions in their names, 7. E. 4. 29. as trespass against trespassors, 11. E. 4. 8. if the feoffee has released to the trespassor, Cestuy que vie has his remedy, 11. E. 4. 8. or 33. E. 1. 2. E. 4. 2. or trespass in goods given to him taken away, 7. E. 4. 29. But not an appeal of Robberies, because they be not compellable to joine battaile, 7. E. 4. 29.

If a freffement be made to the chiefe Lord, or others, to bles, her may refuse to execute the estate for extinguishing of his Seigniorie, and no Subpoena Meth against him, x6.E.4.4.

The heir of the office in trust being in by descent, is compellable by Subpoena to execute an estate according to the trust, 22. Ed. 46.

If a wife will that her feoffees shall infeoffe her husband, he may not compell them thereunto, for the will of a wife in this case is void, 18.Ed.4.11.

319. be bound to fr. to the Use of C. C. in Chancery may compell
fr to sue B. for the same, 2. Ed. 4. 2.

¶ If A. deliver money to B. to deliver to his executors or administrators to dispose of, and B. deliver the same upon bond to C. to keep and deliver to him, B. dieth, his executors or administrators may in Chancery compell B. to sue the obligors for the money. 4. Ed. 4. c. 37. (Bm)

3. P. be bound in a Statute to give to the title of 3. & P. relative to P. no Subp. lies against P. notwithstanding that he has notice thereof, for every man may lawfully aid himself; 17 E. 4. 8. Diney.

Cur. 106. The like of an Obligation to two, to thuse of one, the remedy is against him that did so release, *Diuerf. Cur. 106. 11. E. 4. 8.*

¶ If A. be bound to B. to thuse of C. and B. release, C. may haue remedy therfore in Chaucerie, *7. H. 7. 11.*

¶ If a man pay debt due by specialtie without an acquittance, or haue an acquittance, and lose it, he shall haue remedy in Chaucerie, *22. E. 4. 8. 7. H. 7. 11.*

¶ Where seemeth to be otherwise, if the debt be by matter of record, for else might all Records be avoided by witnessles which would destroy the common Law, *2. 2. Ed. 4. 6. Diuerf. Cur. 106. Doct. and Stud. lib. 1. cap. 12.*

¶ A Subpoena lieth on a promise or agreement by word: as to build a house, or do any other lawfull act, *8. Ed. 4. 4. Diuerf. Cur. 107.*

¶ An action lieth against Executors in Chaucerie upon a simple contract without specialtie, *7. H. 7. 11.*

¶ If there be two obligors, & the obligee giue longer day of payment to thone of them, and sue thother, he may haue a Subpoena, *6. E. 4. 11.*

¶ If goods be giuen to defraud creditors, they may haue remedy in Chaucerie against the dones, or such as haue the possession of the goods, *16. Ed. 4. 9.*

¶ If a man be suretie for an others debt, and the debtoz and others be bound to saue the suretie harmelesse, and the surety haue also goods deliuered by the debtoz to saue him harmelesse: not withstanding the surety pay the debt, yet if he sue his obligation, the debtoz may haue a Subpoena for restitution of his goods so pawned for the same, lest he should be twice charged therfore, *16. E. 4. 9.*

¶ If a man buy a debt due by obligation, & be bound to pay a summe of money to the vendoz for it: yet forsomuch as the thing sold is chose in action in the vender he can haue no propertie, and therfore hath not quid pro quo, the vendoz may be retained in Equitie for his owne obligation, *37. H. 6. 13.*

¶ And so; euident, whereof the plaintife knoweth neither the certaine contents nor contentment, he may haue remedy in Chaucerie, *Diuerf. Cur. 105.*

¶ Learne whether if a transitoie personall action be sued in a forein Countie, the defendand may stay the plaintife in Chaucerie by Injunction, *Diuerf. Cur. 106.*

¶ So necessary be the remedies in the Chaucery by equities allowed by Law, that it seemeth to some not inconuenient to haue assigned such remedies for the by ground of the lawes of this Realme, which are said to consist of vs. grounds only: 1. the law of reason, 2. The Law of God: 3. General Customes of the Realme: 4. Principles of Maxims of Law: 5. Particular customs used only in certaine places

of this realme, 6. Acts of Parliament, Doct. and Stud. lib. 7. cap. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 17.

If a man bound in a single obligation or bill of debt, pay the money according to the bond, neither taking an acquittance thereof, nor cancelling the specialtie of the same, he is by the common law chargeable to pay the same debt againe, by vertue of the said specialtie: But may have remedy thereof in the Chauncerie, Doct. and Stud. li. 1. cap. 6. r. H. 7. fol. 14.

A view of certaine cases wherein the party grieved seemeth wronged Sect. 19. in conscience, and yet is remediless in Chancery.

Of an vnjust wager of Lawe in an action of debt vpon a simple contract, Doct. and Stud. li. 1. cap. 18.

Of a false verdict by a graund Jurie in Attaint, Doct. and Stud. li. 1. cap. 18.

For damages where a man hath right or title to land in the possession of another, and may by action recover only the land, but no damages: for the meane occupation there is no remedy for the same damages in Chauncery: As if the tenant in taile be disseised, and the disseisor die seised, and his heire is in by descent, against whom the issue in taile bringeth a Formedon, he may recover the land, but no damages, Doct. and Stud. li. 1. cap. 19.

A man may not deny that which he hath once affirmed of record in a Court of Record, nor affirme that which he hath once denied of record in a Court of Record, nor that whereof he wilfully clapped or excluded himselfe by deed indented, or otherwise: As if a daughter which is sole heire to her father sue liuerie with her bastard sister, shee is remediless by law, Doct. and Stud. li. 1. cap. 19.

If a thing be found by verdict against truth before indgement, Doct. and Stud. li. 1. cap. 19.

Where the cause of the law ceaseth, the lawe also ceaseth in conscience: As lessee for yeeres recovereth by indgement treble damages for a trespass of waste done by an estranger, And he in the reversion dieth before his action of waste be ended, yet in conscience he ought to sue execution for his single damages, for he had no more hurt thereby, D. and St. li. 1. cap. 19.

A law grounded vpon a false presumption, is not to be holden in conscience, Doct. and Stud. li. 1. cap. 19.

Conscience may not preuaile against a lawfull Custome, either generall or particular: As in descents of lands to the eldest sonne by the common Law, to the youngest by Borough English, and to all by Gavelkind, Doct. and Stud. li. 1. c. 19.

Of the Chauncerie.

So if a man without consideration make a deed of feoffment of y. acres of land, lying each in a severall shire, and make livery of seisin in thone acce onely in the name of both, that wherem livery of seisin was made, only passeth in law and conscience, Doct. St. li. 1. ca. 20.

If one ioyntenant of a wood sell the wood, and keepe all the money received for it wholly to himselfe, his fellow may haue remedie in Chauncery, lib. 1. cap. 19. And so it seemeth, if they were ioyntenants in common, o2 coparceners of other things.

If a common person of his mere motion without other consideration make a feoffment of a manor, without these words (with the appurtenances) he hath right only to the demeanes and commons, and rents of the attournement: but neither to Advowson appendant, no3 villein regardant. But in the kings case, notwithstanding the words (with thappurtenances) were in the grant: yet neither Advowsons, no3 Villeins do passe, either by law o2 conscience, unless they be specially named, D. St. li. 1. ca. 19. 6. Ed. 3. 286. Regist. fol. 228. Fundamenta legum, fol. 70. 43. Ed. 3. 22.

If a lease for yeres be reseruing rent, with a clause of reentrie, the rent is behind, the lessor dieth before demand, the heire can neither enter by law no3 conscience: Otherwise if he made a lawfull demand thereof, Doct. St. li. 1. ca. 20.

If tenant in Dower sowe the land and die before the co3ne be reaped, her executors shall haue the co3ne: but not the grasse, no3 other fruits, Doct. St. li. 1. ca. 21.

If tenant for life, o2 tenant in taile after possibilitie of issue, alien in fee, he in the reuerſion o2 remainder may enter, and haue the land by the forſeiture in law and conscience, D. St. li. 1. ca. 20. 45. Ed. 3. 3.

Every Law ordained for the disposition of lands o2 goods, contrary neither to the Law of God, no3 to the lawe of Reason, bindeth in the Court of Conscience, Doct. Stu. li. 1. ca. 20.

Whether one of the age of 20. yeres, who hauing reason and wisedome to gouerne himselfe, selleth his land for money, and therewith buy other lands of better value, & taketh the profits thereof, may haue his first land againe in conscience, as he may in law, repaying the money which he received: It seemeth he may, because the contract is insufficient by reason of the infancie, Doct. Stu. li. 1. ca. 21.

If a man sell his land by a sufficient and lawfull contract, though he want livery o2 attournement, o2 such other solemnities of the law, yet the seller is compellable in the Chauncery to performe the contract, Doct. Stu. li. 1. ca. 21.

If the tenant for life impanelled on an Inquest lose issues, and die, they are leuable by law on him in the reuerſion: and so be the husbands issues

After his death upon the twines land, and as it seemeth in conscience for the necessitie of the execution of Justice, Doct. Stu. li. 2. ca. 21.

No man is bound in conscience to pay the penaltie of a penall statute, nor other penaltie, untill it be lawfully recovered against him, Doct. Stu. li. 1. ca. 23.

If A. infeoffe B. in fee of land upon condition, that if he infeoffe any other, that A. and his heirs may enter: this condition seemeth void in law & Conscience, because it is contrary to the Sparimes of the law, notwithstanding thintent of the parties, for thintent must be ordered by law, & if it be not, it is void, as by a feoffment of lands without recompence to A. for ever, he hath estate for life onely, for want of the word (heires.) And a lease to A. and his heirs for 30. yeres, shall go to his executors, because it is a chattell, & so by feoffment without recompence to a man & his wife, & a third person, the husband & wife take onely the moiety, because they are but one person in law, D. St. li. 1. ca. 24.

A fine with proclamation, and no claime within fine yeres, extinguishteth the right of all strangers aswell as of the parties by law.

And by conscience, also, as it seemeth, because thereby the right and title is made certaine, and thereby the commonwealth moze quiet, and it is not contrary to Gods law, Doct. and Stu. 25.

Common recovery with vouchers upon writs of Entreorderly pursued, and no recovery in value to be had in deed, barre thissue in tale in law, 23. H. 8. Br. Tail. 23. 14. Ed. 4. 14. & 19. 13. Ed. 4. 1.

And in conscience as it seemeth, for as the intails are made by law, West. 2. ca. 1. even so by law may they be adnulled. And such lawes as concerne right of property to things, and be not contrary to the lawes of God, or of reason, are good in conscience, D. St. li. 1. ca. 6.

If a disseisor give the lands to J. S. in tale, and he graunteth unto the disseisor out of the same lands, in consideration wherof the disseisor releaseth his right, this graunt bindeth the issue in tale for ever in law & conscience, because this release doth confirm his estate which the disseisor might else have defeated, Doct. St. li. 1. ca. 27. 44. Ed. 3. 22.

If the body of a debtor that hath nothing, be by iudgement imprisoned, untill he pay his debt, he seemeth reinedillese in conscience, D. Stu. li. 1. cap. 29.

A recovery with vouchers of an annuity intailed, bindeth thissue in tale neither in law nor conscience, because a writ of Entre doth not lie for an Annuity, nor any other writ therein onely a writ of Annuicie against the person of the grantor or his heirs, having assets by descent: Or against a Corporation, if it be granted to be percellained out of their colors, for that an Annuicie is no freehold in law, Do. Stu. li. 1. ca. 30. 44. Ed. 3. 5. 2. H. 4. 13. Fitz. Nat. bre. fol. 152.

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If tenant in taile be disseised, and die, and a collateral auuncle to the heire in taile release to the disseisor with warranty and die, and the same without warranty descend upon the saids heire, he is barred in law and conscience, D.S.c.31.35.H.6.63.41.E.3.7.45.Ed.3.23.19.H.6.59.15.H.7.9.& 10.21.H.7.39.3.H.7.9.

Tenant in taile after possibilitie of issue is punishable for waste by law and conscience, because he had once inheritance, 45.E.3.3.39.E.3.16. and thereby power to waste without punishment, which power endureth so long as his estate, Doct.Stud.li.2.c.1.

If a man be outlawed before he have knowledge of the suit, albeit the furnished cause of action be untrue, yet the King may have his goods by law and conscience, by reason of his disobedience in not appearing, to the hindrance of the effect of law, so he is bound to take notice of the suit being of record at his perill. And the forfeiture groweth by a generall apparance made for the necessary execution of Justice: But it seemeth the Defendant may have remedy in conscience against him, which caused him to be outlawed without iust cause, D.Stud.li.2.ca.3.21.H.7.9.H.6.10.

If an estranger do waste lands which another holdeth for years, life, in dower, or by courtesie, without the tenants assent, the owner of the reversion may recover the place wasted, and triple damages against the tenant, in law,

And in conscience, notwithstanding that the stranger be insufficient to recompence him for the same, for it is his owne act and sell to take such estate subject to the chance, Doct.Stud.li.2.cap.4.

If a real action be brought by a very lawfull heire, & yet bastardie being pleaded in him, he is untruely certified by the Doynarie to be a bastard, & so barred, the tenant knowing this certificat to be untrue, ought not in conscience to retaine the land, yet is there no remedy for him in Lawe, nor in Chauncerie, as it seemeth, so that the Bishops certificat is the highest triall that the Lawe affordeth in this behalfe. And every stranger may take advantage of this certificate, & no more wits may be awarded for further triall of the truth thereof, so the avoiding of the inconuenience which might happen, if another Bishop should certifie such a bastard to be legitimate, Do.Stud.li.2.cap.5.

If a feoffment in fee be made without deed, or a gift in taile, or a lease for life, the remainder over in fee: or if a tenant for life graunt his whole estate by deed pol, reseruing rent, in these cases the reservation is void in law, and there is no remedy therfore but in conscience, Doct.St.li.2.cap.9.

Learn whether Executors or Administrators having assets, be compellable in Chancery to make amends for trespasses done by their testators,

tenant, as to pay debt due by him upon a simple contract, Doct. Stu. li. 2. ca. 10.

If tenant in fee have two sons and die, and J. S. abate, and the elder son make his executors and dieth, and the younger recovereth against the abator in Assise of Mortdauces the lands and damages from the death of his father, the executors of the elder brother have no remedy for the damages accrued in his life time, as it seemeth, Doct. and Stu. li. 2. cap. 13.

Tenant in dower hath no remedy in Equity against the alienor of her husband for damages growing betwixt his death and her demand, Doct. and Stu. li. 2. ca. 13.

Tenant for life disseised death, his disseisor dieth, his heirs entreat, against whom the owner of the reversion recovereth the lands, but no damages by law nor equity, Doct. Stu. li. 2. ca. 13.

If a man seised of lands knowing that another hath good right thereunto, levieth a fine with proclamation to extinguish such right, And maketh no claime within five years, he is remediless in law and equity, Doct. Stu. li. 2. ca. 14.

A man seised of lands in fee hath a daughter, she marieth and hath issue, and her father dieth, the husband is soone as he knoweth of his fathers death, hasteth to take possession of the land, but before he come to it, his wife dieth, he shall not be tenant by the Curtesie of England, by law nor conscience, because he had not actual possession thereof in the life time of his wife, Doct. Stu. li. 2. cap. 15.

If without consideration a new rent be granted without deed, or a reversion without attornment, the grantee is remediless, Do. Stu. li. 2. cap. 15.

A man seised in fee of lands holden by knights service, deviseth the whole to A. B. the devisee thereof is remediless for a third part thereof, so that there is no marriage in law for him, Doct. Stu. li. 2. cap. 15.

If the tenant make a feoffment of the land which he holdeth by proximity, and taketh estate thereof backe againe and dieth, the word of whom he held by proximity is remediless, Doct. Stu. li. 2. cap. 15.

If the grantee of a rent charge take a feoffment from the grantor of parcell of the lands charged to his owne use, the whole rent is extinct by the unity of possession, because such rent is against common right: And the law demeth it his owne folly to accept the feoffment, and neither his ignorance of the deed, nor of the law can help him. Do. Stu. li. 2. ca. 16. & 17. Pet. Quare in equitie, because the grantor himselfe is privie to the said feoffment, Doct. Stu. li. 2. cap. 17.

A granteth a rent charge out of 2. acres of land unto B. and then infeoffeth D. of thone acre in fee to his use, and after D. intending to
exting

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extinguish the whole right, causeth the same acre to be recovered against him, by common recoverie in a writ of *Entre sur dissein* in le *Post*, in the name of the said grantee (not knowing thereof) and of another man, who by force thereof entreth and dieth, so that the grantee is sole seised of all the same acre by *Survivor*, to thuse of the saide *H.* The whole rent is hereby extinct by law through the unity of possession, though the use be to *H.* and it is also extinct in conscience as to the grantee, because he is neither party nor privy to that by which the extinguishment groweth. But *Quære* whether in conscience the grantee ought to have the whole rent of *H.* who caused the said recovery to be so had, *Doct. Stu. li. 2. cap. 17.*

If a villein granted for life, purchaseth lands in fee, and the grantee entreth before the villein alieneth the same, the grantee shall have the land for ever as perquisite, by reason of the villein. And this both by law, 5. *Ed. 4. 61.* and by conscience, *Do. Stu. li. 2. cap. 18.* Perkins sect 94, 95, 96, & 97.

If one have a villein for years, as executor, who purchaseth lands in fee, thereunto by law and conscience shall have the same lands in fee to the behoofe of his testator, & they shall be deemed assets in his hands, *D. Stu. li. 2. c. 18.* because he hath them by reason of his villein.

If a lawyer ignorantly or affectionately give wrong counsell to his client, who followeth it to his trouble and losse, yet is he remediless, as it seemeth, *Do. Stu. li. 2. ca. 19.* Therefore it is good to aske advice of none but such as be learned in the lawes, and of good conscience.

If a man without consideration give lands by indenture to *H.* and his heires, upon condition, that if he pay not unto *J. S. x. l. rent yearly*, that then the said *J. S.* may enter &c. which rent is not paid, yet the said *J. S.* may neither enter by law nor conscience, because he is neither party nor privy to the saide condition, notwithstanding the intent of the giver, for such intent being not grounded upon the Law is void, *Do. Stu. li. 2. c. 20 Plo. 25. B.* But the feoffor as it seemeth may lawfully reenter, because the words of the indenture imply a condition in law to that effect, *Doct. Stud. li. 2. cap. 23.*

If a man without consideration confirme the state of his lessee for life, the remainder to another in fee, this remainder is void in law and equitie, because a remainder cannot commence, but at the same instant that the particular estate, whereupon it dependeth beganne, *D. Stu. li. 2. ca. 20. Plo. 25. B.* yet the feoffor and his heires in this case may enter for the breach of the saide condition.

If by a feoffment indented it be agreed that the feoffee shall yearly pay to *A. B.* & his heires a certaine rent, & that if he pay it not, that *A. B.* and his heire may enter &c. albeit the feoffee pay not the money, yet

neither the saide A. B. nor the feoffor enter, for that there is no clause of reentre in the saide deed. Howbeit it seemeth he may haue remedy in Chancery for the said yearly payment, D. St. li. 2. ca. 21.

If A. promise to giue vnto B. a somme of money, or other thing of more motion without any consideration, the party is not bound to performe this promise either by law or in Chancery, because it is nudum pactum, Doct. St. li. 2. cap. 14.

If A. promise to giue B. x. s. in consideration of a trespassse by him done vnto B. yet A. is not thereby bound in law nor conscience, because this is an accord, for which none action lieth. And notwithstanding this accord, B. may haue his action for the said trespassse, because the accord is erretorie, Do. Sc. lib. 2. ca. 24.

If a man haue one sonne before marriage, and another after, and bequeatheth all his goods to his sonne and his heire, it seemeth both in law and conscience, that the sonne borne after marriage shall haue the goods, for he is heire by the common lawes of the realme, of which the spiritual l iudges are bound to take notice, and to giue sentence accordingly of tempozall things, notwithstanding that by the common lawes the other sonne is legitimate and the testators heire, for the avoiding of the inconuenience which might happen by the contrarie iudgements in seuerall Courts. In like manner tempozall Iudges seem bound in conscience to take notice of the common lawe, when they are to iudge spirituall things, and to order their iudgements according to the same, D. St. li. 2. ca. 25.

For tenants & tenants in common of an Abbotson, must within six moneths after auoydance agree and ioine in presentment of their Clerk. And the eldest sister of Coparceners must present first, and then the second, by turne, or by such composition as they make thereof, except the yongest coparcener be the kings ward, in which case the presentment belongeth to the king. And if they keep not this course of presentment within the six moneths, they lose their presentment for that time. And the Ordinary may present by Aps both in lawe and conscience, Doct. Sc. li. 2. ca. 33.

And if the auoydance be by death, cession, or creation, the 6. month commences at the death, creation, or cession, and the patron is bound to take notice thereof. And if by resignation or deprivation, then from the time thereof given by the Ordinary to the Patron. If by union, from the agreement how they shall present, Doct. Sc. li. 2. ca. 31.

The wife suruining her husband which took a lease for yeeres, or for life in both their names, may lawfully and with good conscience warne and relinquish it: So may an executor refuse a lease made to his testator, if he haue not assent, D. St. li. 2. ca. 33.

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If an Infeoffor an Abbot by Deed indented upon condition, and the Abbot only perfoymeth not the condition, the feoffor both in law and Conscience may recenter and haue his land againe as in his former right, Do. St. li. c. 34.

Warrantie Collaterall.

An an seised of lands in fee hath issue two sons, the elder brother goeth beyond the sea, and remaineth there until it be commonly reported that he is dead, the father dieth, the younger brother entereth into his lands as his heire, and alieneth with warrantie, and dieth without issue of his body, leaving no land to discent to his next heire, and afterwards the elder brother returneth and claimeith the lands in his own right, yet is he barred by law and conscience, for that it is the act of his ancestor, whose heire he is, by whom as he might haue had advantage to haue had his lands by discent from him as his heire, if he had had any, so it seemeth reasonable, that for the privity of blood he sustaine disadvantage by him, because both the seller and the buyer were ignorant of the elder brothers life & right, by reason of his owne absence, Do. St. li. c. 48. Litt. sec. 704. 705. 707. But if such heire were touched by force of such warrantie, he might enter into the warrantie, as one that hath nothing by discent from that ancestor, and so auoid the warrantie.

Debt against one as heire.

If the father bind him and his heire for the payment of a debt, and die, leaving assets by discent to his son and heire, he is bound to pay the debt by law and conscience, because he hath such benefite by him, Do. St. li. c. 49. 56. H. 8. fol. 4. 10. E. 3. f. 38. 12. E. 1. f. 9. 13. E. 3.

It is agreeable both with law and conscience, that a man outlateth either in felony or in actions personals, shall forfeit and loose all his goods, because it is so ordained for the necessity of the administration of iustice, D. St. li. c. 49. 43. E. 3. f. 18. 21. Aff. 1. 39. H. 6. f. 26. 11. H. 7. f. 7. 49. E. 3. f. 5. 16. E. 4. f. 6.

The like is of forfeiture of goods attached by default of appearance, as well in Court Baron, as in Courts of Record, 28. H. 6. f. 5. 11. H. 6. f. 29. 30. 40. 21. Ed. 4. f. 78.

A man is disseised of lands, the disseisor selleth the land, the attorne knowing of the disseisin, obtaineth a release with warrantie from a collaterall ancestor of the disseisor, who also knoweth that the disseisor hath good right & title to haue the same lands, that collaterall ancestor dieth, the warrantie discenteth upon the disseisor as his heire without assets, yet the disseisor is barred by law and conscience, for it were inconvenient that such releases and other wills should be avoyded by such allegations of conscience, D. St. li. c. 30. Litt. sec. 707.

If a feme covert being of full age leuy a fine by her husbands com-
plicitie, yet after his death she shall neuer soj that cause by law noz
conscience, be admittid to auoide such fine, soz the inconuenience
which might thereof ensue, if by such nude auerments, matters of re-
cord shoulde be auoied. Doct. and Stud. lib. 2. ca. 50 7. H. 4. fol. 23.

If goods be wyrecked vpon the Sea; that is, where goods be cast o-
come into the sea by shipwrecks, so that no man, dogge, oz cat, come a-
line to the land out of the ship oz barge wheiein they were carried
(which is deemed a wrecke, West. 1. c. 4.) and the owner thereof pro-
ueth them not to be his within a yere and a day after such wrecke,
then the king ought to haue them both in law and conscience, because
he is soveraigne head of the people, and owner of the narrow seas, and
is to loose them (as it seemeth) from pyrats, and because the property
of goods must needs be in some person, otherwise they would perishe,
which were against the weale publike, and in this case the first owner
of the goods is unknown. And the like is it, of an Estray, oz Wreband:
but not of goods voluntarily wyred, oz casually lost and found by o-
thers. Soz in these two last cases, the property remaineth still in the
first owners. Doct. and Stud. lib. 2. c. 13 5. H. 6. fol. 27.

The like seemeth to be where a subiect hath wyckes by prescripti-
on, H. 4. fol. 16.

Now that we haue partly seene where a Subpoena lieth, and where
not, let vs set downe somewhat of the ordinary proceeding there-
vpon.

Of the ordinary proceedings in the high Court of Chauncerie.

First the party grieved takes out his writ of Subpoena against the
party oz parties offending, which Subpoena is in hæc verba. Iacobus
Dei gratia Angliæ, Scotiæ, Franciæ, & Hyberniciæ rex, fidei defen-
sor &c. A. C. salutem. Quibusdam certis de causis coram nobis in Can-
cell. nostra propositis tibi præcipimus, firmiter iniungentes quod om-
nibus alijs prætermisiss, & excusatione quacunque cellante, in propria
persona tua sis coram nobis in dicta Cancell. nostra die Pasche præ-
xiis futuri in vnum mensem vbicumq; tunc fuerit, ad respond. super hijs
que tibi obijcientur tunc ibidem. Et ad faciend. vterius & recipiend. qd
Curia nostra considerauerit in hac parte. Et hoc sub poena centum li-
brarum nullatenus omittas. Et habeas ibi hoc breue. Teste meipso a-
pud W. 2. die Febr. Anno regni nostri &c.

Seal. 20.

A Subpoena
to Answer.

Gorge &c.

But if the Defendant be a Noble man, then no Subpoena is a war-
ant, but a Letter by the L. Chauncelloz, oz L. Keeper, thus.

After

A letter to a noble man in stead of a subpoena to answer.

After my very hearty commendations to your L. whereas there hath bene of late a bill of complaint exhibited into the court of Chancery against you by W.D. gentleman, I haue thought good to give you notice thereof, rather by these my priuate letters, then by awarding her maiesties ordinarie proceſſe: Wherefore these are to pray your L. to give order for the taking out of a copie of a bill, and for the putting in of your answer thereunto, according to the vsuall course in such cases accustomed, at, or before Octab. Hill' next ensuing. Of the which nothing doubting but that your Lordsh. will haue the care and regard which appertaineth, I leave your L. to the most mercifull keeping of thalmightie. From saint A. the ninth of Mayr. 1564.

Your very louing friend
Io. Puckering.

The Superscription.

To my very good Lord, J.L.D. these.

Sureties to yield damages to the def.

And it is to be noted, that by the statute 15.H.6.ca.4. a Subpoena is not grauntable without sureties to yield damages vnto the defendant, if he be vniustly berred. And it were good to obserue this comde, for auoiding of causelesse and trifling suites, to which most men be vniustly berred.

Costs for default of a Bill.

Yet if the defendant do appeare at the returne of the Subpoena, and no bill be put into the court by the plaintife against him, then costs are to be graunted for such wrongfull beration. And thereupon he may haue a Subpoena ad soluend' for the same costs in forme following.

Iacobus Dei gratia Angl' &c. I.S. salut' &c. vsque firmiter inuagantes, quod tu soluas, vel solui facias R.N.xl.s. qui per considerationem dñi Cancell', vel dñi custod' magni sigilli, &c. cur' Cancellar' nostr' præd' eidem R. adiudicat' fuerunt pro misis &c. expensis suis que ipse sustinuit ratione &c. occasione cuiusdam queremoniæ, quam tu erga eundem R. in Cancell' nostra præd' minime prosequeris cum effectu, iuxta formam statuti inde edit' &c. prouisi, vel tu ipse sis coram nobis.

¶ Thus, pro expensis soluend'.

Quod tu soluas, vel solui facias præfat' R.xl.s. qui eidem R. adiudicat' fuerunt in Cancellaria præd' pro expensis suis occasione iniustæ vexationis quam ipse nuper indebite sustinuit in quadam billa versus ipsum R. in eadem Cancellaria ad prosecutionem tuam nuper factâ iuxta formam &c. vi supra.

¶ Thus.

Quæ sustinuerunt occasione cuiusdam breuis nostri de Subpoena ei directæ ad secl' tuam prosecuti ad comparand' corâ nobis in dicta Cancell'.

illis nostra ad certum diem iam præteritum, pro eo quod tu ad diem in dicto breui content aliquam billam sine materia versus eos minime exhibueris, vel tu ipse sis &c. Per Cancellar.

Although the writ import, that the Bill is put in befoze the taking out of the same, yet if the plaintife put in his bill by the retorne of the writ, it is sufficient, and no further proceſſe paſſe. And although the writ mention the paine of C. 4. ſuch like, yet if the defendant do not appeare at the retorne of the writ, either by himſelfe or his Attorney, the ſaid paine is not forfeited or leuiable, for it is in terrorem tantum, 1 Ed. 4. 6. 10. H. 7. 4. When vpon the made befoze ſome maſter of the Chauncerie for the ſeruing of the Subpcena, which Oath muſt be, that it was ſerued on the defendant himſelfe, or at his dwelling houſe, ſo that he might haue notice thereof, or that the deponent did ſee an other ſerue the ſame, as aforeſaid, or that the defendant confeſſed to the deponent, that he was ſerued, an Attachment ſhalbe awarded againſt the defendant as is ſaid, in hec verba.

The time to put in the Bill.

Paine in the writ not forfeited.

Oath for ſeruing the Subp.

Of an Attachment.

Iacobus &c. ut antea, vic. South. ſalutem, Præcipimus tibi quod at-
tach. A. C. Ita quod eum habeas, coram nobis in Cancellariâ noſtra in
cratiſ ſancti Trinitatis proximi futuri vbi cumq; tunc fueris, ad reſpond-
endam de quodam contemptu per præſat. A. C. nobis illat ut dici-
mus, quam ſuper hijs quæ ſibi obijciuntur tunc ibidem. Et ad faciendū
veneris & recipiendū quod curia noſtra conſiderauerit in hac parte. Et
hoc nullatenus omittas. Et habeas ibi hoc breue. Teſte &c.

Seſt. 22.

And if the defendant can not be found vpon the Attachment, and
that he ſhall reſiſte retorne, quod deſen. non eſt inueniendus in balliua ſua,
ſometimes the Court vpon motion will (if the plaintife ſuit be for the
day of ſome ſuit or action of extremity at the common law) ſtay the de-
fendants ſuit, until he hath answered the plaintifes bill, and ſatisfied
the Court for his contempt, but in ordinary cauſes the parties proceeds
to his Attachment with proclamation, which followeth in hec verba.

Non eſt in-
tus returned.

Of an Attachment with Proclamation.

Iacobus &c. Vic' S. ſalutem, Præcipimus tibi quod in omnibus & ſingu-
lis locis infra balliuam tuam, tam infra libertates quam extra, vbi ma-
gis expedire videris, ex parte noſtra publice proclamari fac, quod A.
Subpcena ſigantia ſuæ coram nobis in Cancellaria noſtra in octabis
ſancti Michaelis proximi futuri vbi cumq; tunc fuerit perſonaliter com-
pareat, & nihilominus ſi ipſum A. B. interim inuenire poteris, ipſum at-
tach. Ita quod eum habeas coram nobis in dicta Cancellaria noſtra ad
diem prædictam, ad reſpondendum nobis tam de quodam contemptu p
præſat.

Seſt. 23.

præf. A. Per nobis illat vt dicitur, quam super hijs q sibi obijciunt tunc ibid. Et ad faciend vltcrius & recipiend q curia nostra considerauerit in hac parte. Et hoc nullat omittas. Et habeas ibi hoc bre. Teste, &c.

An Attachment in the Cinque ports.

Secl. 24.

Rex &c. prædilecti & fideles sui W. Brooke Militis hñs Cobhæ Constabulari castri sui Dover, ac deputat suo in officio custodis quinque portuum suorum salutem, vobis mandamus q sub sigill' offic' vestri balneo libertatis villæ de Hallings, vel Maiori vel Iuratorib' antiquæ villæ detis in mandatis q attach. H.S. Ita q eum habeat &c.

An Attachment in the Countie palantine of Lancaster.

Secl. 25.

Rex &c. Cancell' suo ducatus sui Lanc' vel eius deputato ibid salutem, vobis mandamus q per breue nostr' sub sigillo nostro corn nostri ducatus præd' vic' nostro eiusdem corn detis in mandatis q attach. R.S. Ita q eum habeat coram nobis in Cancell' nostra in quindena Pasche proximi futur' vbi cunq; tunc fuer' ad respondend' nobis tam de quodā contemptu per præf. R. S. illat vt dicitur quam de alijs sibi tunc ibidem obijciend', & ad faciend' vltcrius & recipiend' q cur' nostra considerauit in hac parte. Et hoc nullatenus omittat & habeat ibi breue q sibi inde deuenit. Teste &c.

The attachment for costs is of the same forme of the attachment next before (verbatim) and is thus indorsed, viz. Per cur' ad sectam A. B. quia non soluit expens'. And if the Attachment be awarded against any dwelling within the Countie Palantine of Chester, then it is directed to the Chamberlaine of the Countie Palantine of Chester, and is of this forme ensuing.

Secl. 26.

Iacobus Dei gracia Angl', Scotix, Franc', & Hiber Rex fidei defensor &c. Camerario suo Cestr', Salutem, Mandamus vobis quod per breue nostrum sub sigillo nostro comitat' nostri Palatini Cestr' detis in mandatis vice corn comit' præd' quod attachiat R. M. gener'. Ita quod eum habeat coram nobis in Cancell' nostra in quindena Pasche proximi futur' vbi cunq; tunc fuer' ad respondendum nobis tam de quodam contemptu nobis per præfatum R. illat vt dicitur quam de alijs tunc ibidem obijciendis. Et ad faciendum vltcrius & recipiendum quod curia nostra consider' in hac parte. Et hoc nullatenus omittatis. Et habeat ibi hoc breue. Teste meipso apud Westm' 14. die Marti, Anno regni nostri &c.

W. Cordell.

And

And the Attachment is endorced as follo weth:

Per curiam ad sectam I. B. & alijs quia non soluit expens.

The returne of the Attachment by the Chamberlains.

Responsio Ro. comit Leicestr camerar cosm Pallantiñ Cestr.

Virtute istius breuis mihi direct' per breue dñi regis sub sigillo cosm Pallantiñ præd' dedi in mandat prout vterius mihi præcipitur vic' comitat prædict' qui mihi sic respondit vt sequitur.

The Sherifes returne to the Chamberlaine.

Infranominat R.M. non est inuentus in balliua mea.

Ro. St. miles vic' cosm Cestr.

And if the Sherife returne, quod def. non est inuentus in balliu sua, upon that proclamation, then a Commission of Rebellion insueeth as follo weth, to such Commissioners as the plaintife nameth.

Of a Commission of Rebellion.

Iacobus &c. dilectis sibi A.B.C.D.E.& F. salutem, Quia A.B. cum per publicas proclamationes per vic' South. in diuersis locis eiusdem comitat virtute breuis nri eidem vicee' direct', ex parte nostra præcept fuerit, qd idem A.B. sub poena ligeantia suæ coram nobis in cancellas nra personaliter compareret. Mandato tamen nostro in ea parte pares manifeste contempsit. Ideo vobis coniunctim & diuim mandamus, quod præfatû A.B. vbicunq; fuerit inueni infra regnû Angliæ tanquâ rebellem & legis nostræ contemptor attach. vel attachiari faciat. Ita qd eum habeatis, vel haberi faciat coram nobis in dict' cancell' nostra in Crastino animarum proximi futur' vbicunq; tunc fuerit, ad respõdendû super hijs quæ sibi obijcientur tunc ibidem. Et ad faciendum vterius & recipiend' qd Curia nra considerauit in hac parte. Et hoc nullatenus omittat. Darnus enim vniuersis & singulis Vicee', Maioribus, Balliuis, Constabular, & alijs Officiar, Ministris, ligeis & subditis nostris quibuscunq; tam infra libertates quâ extra tenore præsentium firmit in mandatis, quod vobis & cuilibet vestrum in executionem premissonum intendentes sint, & assistentes in omnibus diligenter prout decet. In cuius rei testim has literas nostras fieri fecimus parentes. Teste &c

Seet. 27.

A Superseas of the Commission of Rebellion.

Rex &c. dilectis sibi A.B. armigero T.G & H.S. generosis salutem. Licet nos nuper per literas nostras patetes vobis coniunctim & diuim mandamus quod T.K. vbicunq; inueni foret infra regnum nostrum Angliæ tanquam rebellem & legis nostræ contemptorem attachiari vel attachiari fac' ita quod cum habeatis vel heri fac' coram nobis in cancellas nostra ad certum diem in eisdem literis patentibus content

Seet. 28.

Aa. j.

ad

ad respondend' nobis tam de quodā contēptu per pref. T. K. illat' ut dicebatur, quā de alijs sibi tunc ibid' obijciend', prout in eisd' literis plenius continet'. Quibusdā tamen certis de causis nos iam specialiter mouentibus vobis & cuiuslibet vestrū mādamus q' cuicunq' executioni literarū n'rarū paten' p'd' p' vos seu aliquē vrm fact' vel faciend' versus p'd' T. K. supersedeatis omnino p'rad' literis paten' in contrarium aliqui non obstant'. Et si ipsum T. K. p'textu literarū paten' p'rad' ceperitis seu aliquis vrm ceperit, tūc ipsum a prifona qua sic detinetur si ea occasione et non alia detineatur in eadem sine dilatione deliberari faciat. Teste &c.

Sect. 29.

A Superseas to the Chancellor of the County Palantine of Lancaster.
Rex &c. Cancell' suo ducatus sui Lanc' vel eius deputat' ibidem salutem. Quia A. B. &c. vobis mandamus quod per breue nostrum sub sigillo nostro comit' ducat' Lanc' custodib' pacis nostræ in dicto comitatu Lanc' ac vic' eiusd' comit' & eorum cuiuslibet detis in mandatis &c.

Sect. 30.

A Superseas to the Chamberlaine of the County Palantine of Chester.
Rex &c. Camarario suo Cest' vel eius locum tenenti ibidē salutem. Quia P. H. &c. vobis mandam' q' p' bre nrm com' p'd' tam Iustic' nris apud Cest' quā Iustic' nris, ad pacem in com' Cest' conseruand' assignat', ac vic' eiusdem com' & eorum cuiuslibet detis in mandatis &c.

Sect. 31.

A Superseas of an Attachment.
Rex &c. vic' W. salutem, licet nos nuper per bre nostr' tibi p'ceperimus quod Attachiare A. R. Ita quod eum haberes coram nobis in Cancellar' nra ad certū diē in dicto bri contē vbi cunq' tunc foret ad respondend' nobis tā de quodā contēptu p' p'f. A. illat' ut dicebatur quā de alijs sibi tunc ibidem obijciend'. Quibusdā tamen certis de causis nos iam mouent' tibi p'cecipimus q' executioni bris nostri p'rad' versus p'fat' A. fact' vel faciend' supersedeas omnino. Et si ipsum A. ea occasione ceperis, tunc ipsum a prifona qua sic detinetur si ea occōe & non alia detineatur in eadem sine dilatione deliberari facias. Teste &c.

Of an Injunction.

Sect. 32.

And if the partie defendant can not be taken by the vertue of the said Commission: then if the plaintifes suit be for title of land, the Court som'times grants an Injunction to the plainti'e for possession, till the defendant hath appeared, answered, and satisfied his contempt. If for stay of suit at the common law, then an Injunction by motion of the Court may be obtained: for the proceeding in this Court is, by the said writs, & by orders, injunctions, and decrees, which if the defendant resist, his punishment for this resistance, & for his contempt

Punishment
for the contempt,

empt in not appéring, is imprisonment in the prison of the Fleet, as is said, during the Lord Chaunceloz, or Lord Keeper their pleasure, or until he will obey and performe the order and decree of the same court, 37.H.6.13. and 14.39.H.6.26.

Of Appearance.

But if the Defendant appere by Attorney, upon Affidavit, or oath made, that the Defendant is not able to trausite for the answer, ing of the same cause personally in the Chauncery without danger of life, or by reason of extream age, or other infirmities, or reasonable cause, then or otherwise the Chaunceloz or L. Keeper, or the Master of the Rolles by their discretions may, and often do grant Commissi- ons to certaine gentlemen of credit in the country where the Defen- dant dwelleth, to receive and certifie his answer in writing, inclu- ding the complainants bill within the same Commission. The sojme of such Commission in such.

Sect. 33.
Affidavit of
vnableness
to traualle.

Of a Dedimus potestatem, or Commission to receive an Answer.

REx &c. Dilectis sibi W.S. & A.B. armiger salut. Cum I.B. quan- dam petitionem coram nobis in Cancellar' versus W.C. & I. vxorē eius nuper exhibuit, quodq; eidem W. & I. per breue nostrum præce- perimus, quod essent coram nobis in dicta Cancellar' nostra ad certum diem iam præteritum, petitioni præ responsur. Ac iidem W. & I. adeo im- potentes sui existant, quod vsq; cum Cancell' nostr' præd' ad diem illum ad responsiones suas eidē petitioni faciendas absq; maximo corporum suorum periculo laborare nō sufficiunt ut accepimus. Nos statui eorū W. & I. pie compatientes atq; de fidelitatibus vestris pleni' confidētes, dedimus vobis vel duob' vrm potestatem & auctoritatem ipsos W. & I. de & super materia petitionis prædict' diligenter examinand'. Erideo vobis vel duobus vrm mandamus, quod ad certos diem & locū quos ad hoc prouideritis ad præfat' W. & I. accedatis, si commode ad vos labo- rare non possint, ac ipsos W. & I. de & super materia petiē' præd' super faciemē' sua coram vobis vel duobus vestrum corporaliter præstand' diligenter examinetis dictasq; suas responsiones recipiatis & in scriptis redigat, & cum illas sic receperitis, eas nobis in Cancellaria nostra præ- dicta cum tenore præd' ac nomina Attorn' suorum ad lucrand' vel per- dend' in præmissis in Otabis &c. ubicunque tunc fuerit sub sigillis ves- tris vel duorum vestr' plane distincte & aperte mittatis & hoc breue. Teste &c.

Sect. 34.

Which Commission is commonly returned with this indorse- ment.

Aa. ij.

Executio

Proceedings

Returue of the
Commission.

Executio istius brevis (or) istius Commissionis pater in quibusdam sc̄dulis eidem annexis.

Adding the Commissioners names thus.

W. S.

A. B.

And then to file the said Bill which is sent inclosed in the said Commission, and the defendants answer to the backside of the same Commission. And under the said answers the Commissioners most commonly cause the defendant to subscribe his name, or to set his mark, and set downe thereunder also these or the like words:

Capta apud C. in com̄ Eborum, 23. die A. Anno regni Iacobi Dei gratia, Angliæ, &c. coram nobis.

W. S. &

A. B.

Deliverie of
the Commission
in Court.

The Commissioners subscribing their names also to the saide answer. And when this or any other Commission retournable in this Court is executed and returned, it must be brought into the same Court, either by one or more of the Commissioners thereof, or by some other credible person: but if any other then some of the Commissioners doe put it into the Court, he must make oath that he received the same Commission at the hands of some of the Commissioners thereof, and that by his consent, procurement, or knowledge, it hath not been opened or altered, since he so received the same.

Oath,

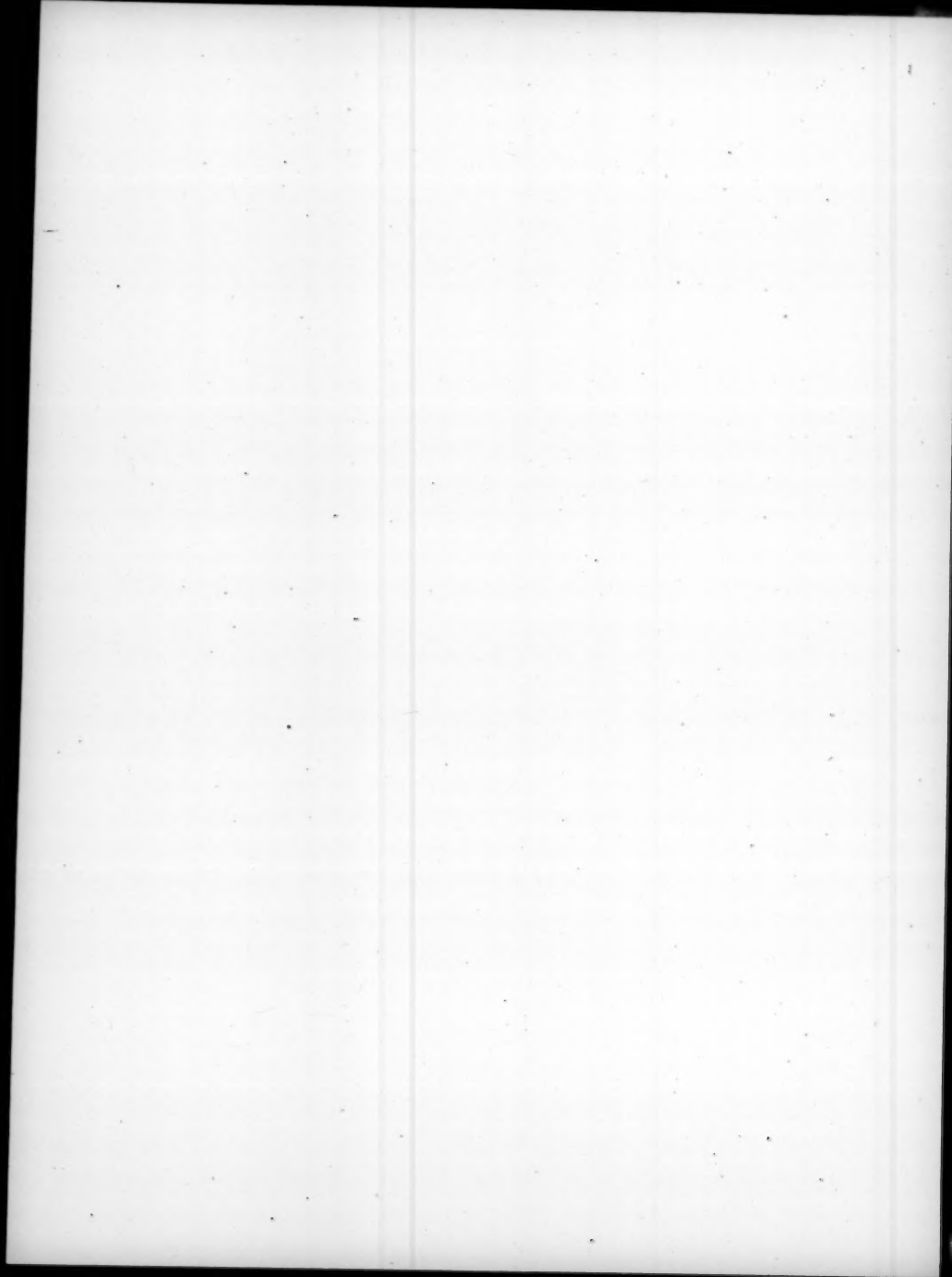
Of a Superedeas to stay the execution of a Commission to examine witnesses.

Sect. 35.

And yet sometime upon good cause a writ of Superedeas is awarded to stay the execution of such and other Commissions in this foyme following.

Rex p̄p̄d' & fideli suo Io. domino Darcy, Ac dilectis G. F. A. F. & T. R. armigeris salutem. Licet nos nuper per breue nostrum assignauimus vos tres vel duos vestrum, ad quoscunque testes super quibusdam Interrogat in dicto breui nostr̄ interclus. pro parte W. W. quer. versus R. M. & I. S. defendentes. Ac q̄ vos examinationes testium p̄dict' nobis in Cancellariā nostram ad certum diem in dicto breui nostro limitat sub sigillis vestris trium vel duorum vestrum mitteretis, prout in eodē breui nostro plenius continet. Quibusdā tamen certis de causis nos ad p̄sens specialit' mouentibus, vobis p̄cipimus q̄ in executione dicti breuis nostri per vos, tres vel duos vestrum, vlt'ius fact' vel faciend' minime procedatis, sed inde superedeatis, vnico dict' breui nostro vobis prius in contrarium direct' non obsta, T. meipso apud &c.

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A Commission to prove that one who had made Affidavit, that the defendant was so sicke and impotent, that he could not appeare in the Chauncerie to answer the plaintifes bill, had therein deposed vntuly.

Rex p̄ dilecto & fideli suo O. domino S. Iohn de Bletfoe ac dilecto sibi Lodouico Dyue R.N. & R.A. armiger salutē. Cum nuper euf noster Cancellar ex parte I. G. milit̄ relatū fuerit & suggestū erat per facientē cuiusd' R.L. q̄ p̄fat' I.G. crastin' S. Mar̄ ultimo p̄terito ita laborauit aduersa valetudine & adeo impotens sui exitit q̄ vsq; diā' euf nostrā Cancell' p̄d' ad diē illū ad respons. suā petitioni R.G. armig' fiend' absq; maxim' corpor' sui periculo laborare nō sufficiebat. Et nos veritate expiscari & inuestigare volētes vt tuitius & consultius p̄ iusticia in hac parte procedere valeamus p̄ vos certiorari volum', dedim' vobis p̄ter tribus vel duobus vestr' ac p̄ p̄sentes dam' potestas & auctoritatē scrutandi inquirendi, & inuestigandi tā super articulos & interrogatōes per antedict' R.G. coram vobis trib' vel duob' vestr' deliberand' & ad testes quoscunq; ministrand' quos maxime p̄ testatione p̄missor fore videritis necessar' corā vobis euocandū. Ac ipsos testes & eorum quemlibet tam de & super articulis p̄d' cū cunctis circumstant' diligēter examinād', examinationesq; suas in scriptis redigend', quam omnibus alijs vijs, medijs & modis quibus melius sciueritis, seu poteritis vtrum p̄fat' I. G. ita languidus fuit ad diā' diē crastin' Mar̄ q̄ absq; periculo sui corpor' laborare minime potuit. Et ideo vobis tribus vel duobus vestrum mādāmus q̄ visis p̄sentib' ac tenore articulorum & interrogatōis p̄d' per p̄fat' Reginald' ministrandor', & per vos plene intellectos testes p̄d' quos in hac parte vt p̄d' est fore videritis necessarios euocetis corā vobis tribus vel duob' vestrum ad certos dies & loca, quos ad hoc prouideritis, venireq; faciatis, ac ipsos & eor' quēlibet de & super veritate p̄missor' sup̄ eorum sacramētis corā vobis corporaliter p̄stand' diligenter examinetis, examinationes suas recipiatis, & in scriptis redigatis & tunc cum sic feceritis nos inde in Cancell' nra de omni facto vestr' in hac pte in octabis S. Hillar' proximū futur' vbicunq; tunc fuerit sub sigill' vestris etiam vel duos claus. reddatis certiores vna cum breui nobis remittēd'. Teste rege apud Westm̄ : 8. die No. anno regni regis Iac. 3.

Sect. 36.

Of imperfect Answer.

But if the defendant appere personally, or by Atturney, and make an imperfect answer, then vpon demurrer tendzed, and motion made in Court by the plaintifes counsell, shewing the imperfection of such answer, an order will be made. that the defendāt shal make a better answer by some certaine time, & thereupon issuet̄h a Subpoena ad faciend'

Sect. 37.

Subpoena to
make a better
answer.

A a. iij.

faciend'

Proceedings

faciend' meliorem responsum.

Se^{ct}. 38.

Replie.

Sub poena ad
reiungendum.

Reioining and ioyning in Commission ad examinand' testes.

And when the defendant hath made a perfit answere, the plaintife either of his owne accord, or by order in Court must reply, or be dismissed for want of a replication, and ordered to pay to the defendant costs for his wrongfull veration, but upon replication put in by the plaintife, the plaintife is to take out a Subpoen against the defendant ad reiungend', & iungend' in commissione ad examinand' testes, which differeth nothing from the saide Subpoen ad comparand', but that it is indorsed with these or the like words:

Ad reiungendum & iungendum in commissione in materia W.S. paming the plaintife.

Reioinder.

Surreioinder.
Issue.

Commission.

And thereupon the defendant must put in his reioinder to y^e plaintifes replication. And if any other matter be in the defendants reioinder then was in his answer, then may the plaintife put in a surreioinder, and thereby answer the same, and so proceede to perfect issue, the forme of all which heereafter appeareth: And the parties being so at issue, they either examine their witnesses befoze the examiners of the Chauncerie in Court, or doe procure a Commission, ap examinandum testes, to certaine persons of good credite, in forme following.

Of a commission ad examinand' testes.

Se^{ct}. 39.

Iacobus Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, fidei defensor &c. dilect' sibi I. F. R. H. armig' R. W. & N. S. generosis salutem. Sciatis quod dedimus vobis, tribus vel duobus vestrum, potestatem, & auctoritatem testes quoscunque de et super quibuscumque interrogatorijs tam ex parte W. W. armigeri quereñ, quam ex parte A. M. vid' defen' vobis tribus vel duobus vestrum deliberandum diligenter examiñ. Et ideo vobis tribus vel duobus vestrum mandamus, quod ad certos dies & loca quos ad hoc prouideritis testes predictos coram vobis tribus, vel duobus vestrum venire fac' & euocetis, Ac ipsos testes, & eorum quemlibet de & super Interrogatorijs predictis super sacramenta sua coram vobis tribus, vel duobus vestrum, per sancta Dei Evangelia corporaliter prestand' diligenter examinētis. Examinationesque suas recipiatis, & in scriptis in pergamento redigatis. Et cum illas sic cepēitis eas nobis in Cancellariam nostram in quindena Paschæ proximum futurum, vbicunque tunc fuerit sub sigillis vestris trium vel duorum vestrum claus' distincte et aperte mittatis una cum Interrogatorijs predictis, & hoc breui: Prouiso
semper

semper q̄ dict' defend' habeant p̄monitionem p̄ spacium q̄ uaruoꝛde
cup̄ dierum, de die & loco executionis huius commissionis ante execu-
tionem eiusd', T̄m̄eipso apud Westm̄ 7. die Feb̄ an̄i regni nostri 2.

*The retorne of which Commission is commonly indoxed vpon the
same thus :*

Executio istius commissionis patet in quibusdam scedulis eidem co-
missioñi annexis.

*The Commissioners names,
W.S.A.B.C.D.*

And then to file the interrogatoꝛies and depositions to the backside
of the Commission, and vpon receipt of such Commission, the Com-
missioners, or the party which hath the carriage of the same, if the day
and place for execution thereof be not limited in the Commission do vse
to give notice thereof to the party in wꝛiting vnder their hands thus:

*Notice of the
execution of
the Commis-
sion.*

*A notice whereby Commissioners may give the parties warning of
the time and place of their sitting for the execution
of such Commission.*

After our heartie commendations, whereas wee haue receiued
his Maiesties Commission forth of his highnesse Court of Cha-
uncerie, to vs and others directed for the examination of witnesses be-
tweene C.D. plaintife, and W.A.B. defendant. These are to signifie
vnto you, that for the execution of the same Commission, we whose
names are subscribed, haue appointed to sit at S. in the countie of D
the last day of the next month, by viii. of the clocke in the forenoone of
the same day, which wee haue thought good to signifie vnto you, that
you may haue your Commissioners and witnesses then there ready
accordingly, if you thinke it expedient for you. And so bid you fare-
well, 27. Feb. 1600.

Sec̄. 40.

Your louing friends.

A.B.C.D.

Of citing witnesses.

And if such Commission give authoritie to them, to cite, and call
witnesses before them, they vse to do it by such a Precept as fol-
loweth.

Sec̄. 41.

The Precept of Commissioners, to bring witnesses before them to
be examined.

By vertue of his Maiesties Commissioñ forth of his Highnes Court
A. A. liij. of

Proceedings

of Chaucerie to Sir A. B. knight, A. K. esquire, and vs, directed for the examination of witnesses between C. D. plaintife, and E. F. defendant: These are in his Maiesties name to charge and command you, and every of you, whose names are hereunder written, personally to appeere before vs at S. the last day of this moneth of August, by viz. of the clocke in the forenoone, then and there to depose your severall knowledges, vpon the part and behalfe of the said C. D. And hereof faile you not, as you will answer your defaults at your perils. Dated this 21. of August. 1600.

Your very louing friends,
A. B. C. D.

To our louing friends, master B. L. G. C. R. P. I. P.
Esquiers. L. C. R. T. Gentlemen.

Subpoena ad testificand'.

Sect. 42.

But if that no such power be given by such commission, then if the witnesses will not appeere gratis, they are compellable thereunto by Subpoena ad testificand' in manner following.

Subpoena ad testificand' coram Commiss.

Iacob. &c. Quibusdam certis de causis &c. sitis coram dilectis nobis R. & C. armig' E. H. & E. C. generosis, vel duobus eor' commissionarijs nostris virtut' brevis nostri de Dedimus potestas eis direct' ad certos diem & locum quos prafat' commissionat' vobis Scire fac' (Aliter apud N. in comit' B. xx. & xxxj. die Aprilis proxima futur') vt ipsi vos tunc & ibidem, de, & super quibusdam Interf' pro parte A. B. diligenter possint examinare, & ad faciend' vltcrius & recipiend' quod per dictos Commissionat' nostros vel duos eorum in ea parte considerat' fuerit, Et hoc subpoena centum lib' nullatenus omittat'. Et habeat' ibi hoc breue. Teste meipso apud Westm' &c. vt supra.

Of the stile of Interrogatories.

Sect. 43.

Interrogatories to be ministred to the witnesses to be produced by on the part and behalfe of A. B. compt, against C. D. defendant (if they be for the plaintife:) But if for the defendant, vpon the part and behalfe of C. D. defendant, against A. B. complainant.

Inprimis, Do you know the said parties, plaintife and defendant, or either of them &c.

Item, do you know &c. As the cause requireth.

Of the stile of the Depositions thowenpon taken.

Sect. 44.

Depositions taken at H. in the Countie of E. the last daie of April, in the third yeare of the raigne of our Soueraigne Lord James

James by the grace of GOD, of England, Scotland, France, and Ireland King, defender of the Faith, &c. vpon the part and behalfe of A.B. plaintife against C.D. defendant, (Or vpon the part of C.D. defendant, at the suit of A.B. plaintife) by vertue of his Maiesties Commission forth of his highnes Court of Chauncerie, to R.S.C.E. P.Q. and W.M. or to three, or two of them directed, for the examination of witnesss betweene the said parties.

J.L. of A. in the county of C. Laborer, of the age of xliij. yeres or thereabouts, swozne and examined, deposeth and saith vpon his oath as followeth.

Ic am to the first Interrogatorie he deposeth and saith, that &c. As the matter is &c. And so vpon the rest of the Interrogatories.

The direction of the Commission being executed Illustrissimo domino nostro Jacobo Regi in Can sua, *Of Publication, Hearing, and Breuitates, and after that then this,* Certific' deposition testium ex parte A.B. & C.D.

After that the Witnesss be so examined in the Court, or by commission, as is aforesaid, Publication is to be had, and thereupon a day of hearing is to be procured. Against which time, Breuitates must be made of the effect of the pleadings, depositions, and other proses and evidence, and the counsell perfectly instructed of the whole state of the matter, and a Subpoena ad audiend' iudiciu, made and delivered to the party in convenient time befoze the said day of hearing: At which time, albeit that vpon the hearing the matter be dismissed, yet may the parties haue the depositions of their witnesss exemplified vnder the great Seale of England for the furtherance and maintenance of their rights and titles, at, and by the common law. But if the matter be decreed for the Compt, after the decree past and enrolled, hee may haue a Writ de Executione iudicij which must be served vpon the defendant. And if hee refuse to satisfie the same, then vpon oath made thereof, proces of contempt is to issue against him in forme aforesaid. And if such decree be in suit of lanos, and the defendant abide all the said processe of contempt, and still detain the possession of the lands from the plaintife contrary to the said decree: then vpon motion thereof made in the court, a commission is vsually granted to the Sherife, and some others nere adioyning to the lands in question, to put the plaintife in possession, and to keepe him in possession according to the said decree.

Subpoena to heare judgement.

Exemplification of the depositions.

A writ de executione iudicij Contempt.

Commissio to put the plaintife in possession.

A Commission to the Sheriff to put and keepe the plaintife in possession according to an order therein taken until a cause then depending in suit be heard and determined.

Sect. 46.

Rex &c. vic' Kanc' salutem. Cum per ordinationē capti in Cancell' nostra 3 die Julij ultimo preterito inf' W. A. querē & W. Y. & alios defendēt, ordinat' fuit q' præd' W. A. & assignat' sui pacifice & quiete haberent, gauderent & occuparent vnum messuagium siue tene- ment' cum pertinenti iacent' & existent' in E & R. in comitatu præd' inf' partes præd' in Cancell' prædict' in controversia pendēt' indecisa absq' vexatione, molestatione siue interruptione præd' W. Y. siue aliquarum personarum sub titulo, interesse, Iur', vel procuracione suis donec mate- ria inter partes præd' in curia nostra præd' finaliter determinetur. Et quia iam ex testimonio fide dignorum accepimus, q' diuerse alienigine igno- tē inhabitant' extra comit' Kanc' per procuracionem præd' defendēt vt asseritur possessionem messuag' & tenē prædict' cum pertiñ vi & ar- mis, ac manu forti tenent in defraudation' & contemptum ordinis præd', ac ipsum W. A. & assignat' suos extra possessionem messuag' & tenē præd' custodiunt contra formam & effectum ordinis prædict': tibi igitur præcipimus quod immediate post receptionem huius brevis assumptis te- cum sufficient' potestāt' comitat' nostrē Kanc' prædict' in propria perso- na tua ad messuagium, siue tenētum præd' accedas & attachari & arresta- ri facias, quascunque personas ibidem inueneris possession' messuag', tenē siue tenē præd' siue alicuius parcelle tenentes, & eos & eorum quē- libet de die in diem duci facias vsque prisonam nostram de Fleete gar- dino, nostro ibidem liberandum & ibidem moratur' quousque de eo- rum deliberation' aliter duxeris ordinandum. Ac vltius tibi præci- pimus firmiter iniungendo quod inde prædict' W. A. & assignat' suos in pacifica & quieta possession' eiusdem de tempore in tempus manu- teneas donec aliter inde a nobis habueris specialiter in mā datis. Et quid inde feceris sciri facias Cancell' nostro. Teste &c.

A Cerciorare to Commissioners to certifie the depositions taken by Com- mission.

Sect. 47.

Rex &c. dilectis sibi A. B. & C. D. genē salutem, Volentes certis de causis Cerciorari super quāsdā depositions testium inter H. G. querē & C. D. defend' per vos tres vel duos vestrum virtute brevis no- stri de Commissione vobis in ea parte direct' capē & adhuc penes vos residen', vt est dictum, vobis mandamus quod depositions præd' cum omni- bus eas tanger' adeo plene & integre prout coram vobis capē fuer' nobis in Cancell' nostram in quindena Pasche proximi situr' vbicunq' tunc fuerit sub sigillis vestris trium vel duorum vestrum distincte & ap- pte mittatis & hoc breue. Teste &c.

Of a Commission to examine witnesses in perpetuall memorie.

First the plaintife must exhibite his bill, & thereby shew his title to the land, lease, or such like matter that he hath right unto, & that the witnesses which can prove his title are aged, and not like long to live, whereby he may be in danger of the losse of the thing in question. And therefore to pray to have a Commission directed to certaine gentlemen of credite and worship for the examination of the said witnesses. And also to pray proceſſe of Subpoena against him, her, or then to the cause, if he or they can; why the plaintife should not examine his witnesses, as aforesaid. The forme of which proceſſe ensueth, in hæc verba.

Sec. 48.

Iacobus Dei gratia Anglⁱ, Scotiæ, Franⁱ, & Hiberniæ Rex, fidei defensor &c. I. S. salutem. Cum A. B. exhibuit coram nobis in Cancellariæ nostra quendam petitionem ut quidam testes in perpetuam rei memoriam versus te examinarent, & ne id tibi in præjudicium cederet: Tibi præcipimus firmiter iniungentes, quod omnibus alijs præternatis, & excusationibus quacumque cessante, in propria persona tua, vel per tuum Agentem, aut deputat, sis coram nobis in dicta Cancellaria nostra infra quatuordecim dies, immediate post receptionem huius brevis (si tibi in usum fuerit) ut dicti testes, aut alij quicumque ex parte tua ibidem similiter examinari possint, (si ita velis) vel ut ostendas & proponas, vel ostendi & proponi facias, tunc & ibidem bonam sufficientem & probabilem materiam pro parte tua quare iidem testes pro parte dicti A. B. in forma prædicta examinari, & postea eorum examinationes secundum ordinem & cursum dictarum Cui nostrarum publicari & divulgari non debeant.

Concerning these matters of the Chauncerie, Note what ensueth.

And if the party Defendant doe appere, either by himselfe, or his counsaile, & shew such sufficient cause as the Court wil allow of, why the plaintife should not examine his witnesses, as is aforesaid, then the plaintife may not proceed therein, vntlesse he can better satisfie the Court to the contrary. But if the defendant be contented, & will ioinc with the plaintife in examination, then after examination so had, there can be no publication therof during the liues of the witnesses: vntlesse the defendant doe assent, or vntlesse the plaintife, or some other in his behalfe do make oath, that the matter wherupon the witnesses were examined, is to take triall at the common Law, either at the Assises or at the Barre. And that A. B. or more of the witnesses before examined, are necessary witnesses, and not able to trauell to the said triall: And vpon such oath taken, his or their depositions are to be published of course. And to be exemplified, if the party so require.

But if the party defendant do not appere vpon & said writ, neither

by himselfe, nor his Attorney, by the end of the said riij. dayes, nor
theto no cause of stay thereof, whether it be in terme or out of terme
time, then upon oath made of the serving of the same writ, the Lord
Chaucelor, Lord Keeper, or any other of the Rolles for the time being,
at the request of the plaintife, will appoint Commissioners for the ex-
amination of the plaintifes witnesses, according to certaine orders
prescribed in that behalfe.

Where be also many other different forms of Subpœna's and Com-
missions, of which some doe hereafter ensue.

Subpœna ad testificandum super petitionem.

Sect. 49.

AD testificandum pro parte tua in quadam materia content in qua-
dam petitione ad sectam tuam versus quenda W.M. coram nobis
in dicta Cancell' nra nuper exhibi't, vel tu ipse sis coram nobis &c.

Aliter ad testificandum ad Affisas quare super articulos.

Sect. 50.

Sitis coram Iusticiarijs nostris ad Affisas in com' H. capiēd' ad prox'
Affisas in com' p'dict', tenend' apud L. die Lunx, in tertia septimana
quadragesimaz, ut ijdem Iusticiarij vos tunc & ibidem pro parte R.W.
de, & super veritate quorundam articulorum per p'fat R. versus A.B.
exhibi't possint examinare, Et sub pœna &c.

Subpœna ad ostendendum causam quare euidēc' non deliberentur.

Sect. 51.

Rex, &c. Quibsdam &c. vsq; vbicunque tunc fuerit ad ostendē-
dum quare euidēc' & scripta per te in Cancell' nostr' p'ædict', mu-
per delibera't, & ibidem adhuc remanēti W.C. deliberari non debeat.
Et ad faciend' &c, *ut supra.*

Subpœna ad testificandum ad affisas in London.

Sect. 52.

Sitis coram dilecto & fideli nostro Edmundo Anderfson Milite
Spital' Iusticiar' nostro de banco, ac Iusticiar' ad affisas in ciuitate Lon-
don capiēd' assign' apud Guildhaldam ciuitatis London p'ædict', die
Veneris, videl't nono die instantis mensis Februarii proximi futur', ut ijdem
Iusticiar' vos tunc & ibidem pro parte H.T. possint examinare. Et
hoc &c.

Subpœna ad testificand' coram Vicecomit' London.

Sect. 53.

Iacobus Dei gratia Anglie, Scotie, Frañ, &c. W.I. salutem : Tibi p'æ-
dictam certis de causis coram nobis in Casu nostra propofitis : Tibi p'æ-
cipimus, firmiter iniungentes, quod omnibus alijs p'ætermisiss, & ex-
cusatione quacūq; cessante, in propria persona tua sis coram Viceco-
mit' Ciuitatis n're London, apud Guildhaldam eiusdem Ciuitatis die

Jouis proximi futur, ad testificandum veritatē in materia coram eis pendet, & ad faciendum ulterius, & recipiendum qd de te contigerit ordinari tunc ibidem. Et hoc sub poena centum librarū nullatenus omittas. Et habeas ibi hoc breue. Teste meipso apud Westm̄ ultimo die Mar̄ Anno regni nostri 3.

Subpoena pro Evidentijs adferendis.

REX R.D. salutem, Quibusdam certis de causis coram nobis in Cā- Sect. 54.
cellaria nostra propositis: Tibi præcipimus, firmiter iniungentes, quod omnibus alijs pretermisiss & excusatione quacunq; cessante, in propria persona tua sis coram nobis in dicta cancellaria nra in quindena sancti Hillar proximi futur, vbicunq; tunc fuer, adferens tecum omnia & omnimoda cartas, scripta, euidentias, & munimenta in custodia tua, aut alicuius alterius personæ, aut per tuam deliberationem ad tuum usum existens, vnum messuagium vocat Le G. & vnum horreum cum omnibus terris eidem messuagio pertinen concernens, in quadam petitione per W.T. coram nobis in cācellaria nostra prædicta versus te exhibita, contentē specificat, & ad faciendum ulterius, & recipiendum quod curia nostra considerauerit in hac parte. Et hoc nullatenus omittas: Et habeas ibi hoc breue. Teste &c.

Aliter pro Obligatione deliberanda.

Adferens tecum quandam Obligationem per quam W. C. miles Sect. 55.
atenetur & obligatur T. B. milite nuper marituo iam defuncto in ducentis marcis in custodia tua existentē, vt dicitur, & ad faciendū vltorius &c. vt supra.

And when a suit hath depended vnprosecuted two yeares, they award a Subpoena de Attornat faciend', in this forme.

REX B.R. salutē &c. (vtque tunc fuerit, & tunc sic) ad faciendum Attornat in materia quæ est coram nobis in dicta Cancellaria nostra Sect. 56.
inter te defend', & M.S. quer per billam, & ad faciend' &c. vt supra.

Commissio ad recipiendum responsum, & ad examinandum testes quoscunque, & ad audiendum & terminandum.

REX dilecti sibi A.T. armigero, & B.S. armig' salutē. Cum A.W. Sect. 57.
quandam petitionem coram nobis in Cancellaria nostra versus R. C. nuper exhibuit, quodque eidem R. per breue nostrū præceperimus, quod esset coram nobis in dicta cancellaria nostra ad certum diem iam præteritum sub certa poena in dict' breui nostro contenta petitionē præ respondur: Sciatis quodd assignauimus vos, ac tenore præsentium damus vobis vel vni vestrum potestatem & auctoritatem responsionē præfati R. ad

R. ad petitionem pred' recipiend', & in scriptis redigend', & quoscunque testes, de, & super materia in petitione & responsione predict' contentē, examinand', ac eandem materiam iuxta sanas discretionēs vestras vel vnus vestrū audiend', & finaliter determinand'. Et ideo vobis mandamus, quod viso tenore petitionis præd', quam vobis mittimus presentibus interclusam, præfat' R. coram vobis, vel vno vestrū venire faciatis, ac responsiō suā petitionē præd' in forma prædict', sciendam super sacramentum suum recipiatis, & in scriptis redigatis, necnon testes præd', coram vobis vel vno vestrū ad certos dies & loca, quos ad hoc prouideritis coram vobis venire faciatis, & euocetis, ac ipsos, & eorum quēlibet, de & super veritate petitionis, & responsiōē predict', ac de & super articulis omnibus & singulis premissa qualitercunque concernē super eorum sacramentaliter præstand', diligenter examinet, examinationesque suas recipi, & in scriptis redig'. Et cum eas sic ceperitis eandem materiam partibus ad id vocat', visisque eorum scriptis & auditis hinc inde earum rationibus, & allegationibus, omnibus vijs, modis & medijs quibus melius sciueritis, aut poteritis, vel vnus vestrū sciuer, aut poter, iuxta sanas discretionēs vestras vel vnus vestrū finaliter determinetis, vel vnus vestrū determinet: Sin autem nos de omni eo quod inde feceritis vel vnus vestrū fecerit, in Cancellaria nostra sub sigillis vestris, vel vnus vestrū in Quindena sancti Michaelis proximi futur, vbicunque tunc fuerit, distincte & aperte reddat certiores, hoc breue, vna cum petitione, responsione, & testium examinationibus præd' nobis remittentes &c.

Commissio ad audiendum & terminandum materiam in petitione, & responsione, & ad examinand' testes quoscunque.

Sec. 58.

Rex dilecti sibi A.B. salutem. Quia de & super veritate querimonie in quadam petitione coram nobis in Cancellaria nostra per T.C. versus I.R. & alios nuper exhibita content, ac de & super veritate in quadam responsione per partes præd' in hac parte facta, & in eadem Cancellaria similiter exhibit, necnon de & super omnibus articulis & circumstantijs querimoniam & responsionem illas concernent, vt tutius & consultius pro iusticia in eisdem exhibend' procedere valeamus vobis de quorum fidelitatibus, & prouidis circumspectionibus plene confidimus, Dedimus vobis, vel duobus vestrū potestas & auctoritatem audiendi & examinandi materiam in petitione, ac responsione, ac in omnibus articulis & circumstantijs predictis, querimoniam, & responsionem illas concernent, hijs presentibus annex' contentam, & specific', & eandem materiam iuxta sanas discretionēs vestras finaliter si poteritis determinand'. Et ideo vobis, vel duobus vestrū mandamus, quod ad certos dies & loca, quos ad hoc prouideritis, testes quoscunque inter par-

res pred', quos maxime pro testificatione veritatis premissorum fore videritis euocandos, coram vobis vel duobus vestrum euocetis. Ac ipsos testes & eorum quemlibet de & super querimonia, responsione, articulis, & circumstantijs pred' super sacramenta sua diligenter iuretis, & examinatis. Et super hoc auditis hinc inde earum rationibus, & allegationibus, ac alijs vijs ac modis, quibus melius sciueritis aut poteritis eandem materiam vt pred' est finaliter si poteritis determinetis. Sin autem nos in Cancellaria nostra de omni eo quod inde feceritis in quindena sancti Hillar proxima futur, vbicunq; tunc fuerit, sub sigillis vestris, vel duorum vestrum distincte, & aperte reddatis certiores, remittet nobis tunc tenores pred', vna cum hoc breue. Teste &c.

*Commissio ad examinandum Testes ad locum & diem certum,
de valore bonorum & catallorum.*

Rex dilect' & fideli suo R.B. Milif, ac dilect' sibi I.D. & P.W. ar. Sect. 59.
Amiger salutem. Sciatis quod nos de fidelitatibus, & prouidis circumspectionibus vestri plurimum confidentes, assignauimus vos, actenore presentium damus vobis vel duobus vrm plenam potestatem & auctoritatem inquirendi, tam per depositiones quorumcunque testium, coram vobis producend', & examinand', quam alio quecunque modo ad libitum vestrum, quæ bona & catalla fuerunt I. M. generosi, siue alterius cuiuscunque remanent infra domum mansionalem, sine firmam de C. in E. in comitatu Oxon quo tempore Ro. Bi. possessionem eiusdem domus siue firmæ natus sit, & cuius valoris siue precij eadem bona & catalla sic infra eandem domum, & firmam præd' existentia ad tunc fuerunt, & extiterunt. Damus etiam vobis, vel duobus vestrum potestatem & auctoritatem testes quosdam quorum sepe alia nomina in quibusdam Interrogator presentibus interclus, ac eisdem testibus sepe aliter proponend', inserta apparebunt de & super eisdem Interrogator diligenter examinand'. Et ideo vobis mandamus, qd ad certos dies & loca quos ad hoc prouideritis, testes prædictos ac alios quoscunq; quos maxime pro testificatione veritatis fore videritis necessarios & opportunos coram vobis vel duobus vestrum venire faciatis, & euocetis, ac ipsos testes, & eorum quemlibet tunc & ibidem, tam de & super pleno & iusto valore omnium & singulorum bonorum, & catallorum prædictorum quam de & super Interrogator prædictis, super sacramenta sua per sancta Dei Evangelia coram vobis, vel duobus vestrum corporaliter præstanda diligenter examinetis. Examinationesq; suas recipiat, & inscripitis in pergamento redigatis. Et cum eas sic ceperitis, nos inde, ac de omni eo quicquid pro meliore cognitione premissorum feceritis, vel duo vrm fecerint in Cancellaria nostrâ in Octabis sancti Michael proxima futur, vbicunq; tunc fuerit, sub sigillis vestris, vel duorum vestrum clausè distincte

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distincte, & aperte reddatis certiores, remitteſi nobis Interrogator præd, vna cum hoc breue, Teſte &c.

Commiſſio ad ſuperuidendum & diſtinguendum Vaſtum.

Seſt. 60.

REx dilect' ac fideli ſuo Willihelmo P. Milit, ac dilect' ſibi W. T. Armiger ſalutem. Sciatis q̄ nos de fidelitatibus, & prouidis circū ſpectationibus veſtr' plenius confidentes aſſignauimus vos, ac tenore preſentium damus vobis plenam poteſtatem & authoritatem audiendi & examinand' quandam materiam in quibuſdam articulis his præfaſ annex' contentam, & ſpecificatam, & eandem materiam iuxta ſanas diſcretionē veſtr' finaliter ſi poteritis determināſ. Et ideo vobis mandam', quod ad certos dies & loca, quos ad hoc prouideritis ad quoddam vaſtum vocat' *Blackdowne* ſuper M. in com' S. in articulis præd' ſpecific' perſonaliter accedatis, vaſtumq; illud ſuperuideatis, ac tam per depoſitiones teſtium quam alijs vijs, modis, & medijs quibus melius ſciueritis aut poteritis diligenter inquirat quantum inde ad manerium de H. & quantum inde ad manerium de W. in com' præd', pertinere debeat, & ſuperinde, limites, bundas, metas & diuiſas, inter vnum & alterum, & quantum ad vnum, & quantum ad alium maneriorum prædict' pertiñ vobis conſtare poterit, poni faciat & limites examinationeſque teſtium prædictorum recipiatis, & in ſcriptis redigatis, omneſque alias depoſitiones teſtium antehac examinaſ, munimenta, ſcripta, recorda, tranſcripta, territoria, chartas, ac alias euidentias quaſcunque per partes in articulis præd' ſpecificat', coram vobis exhibend' acceptetis & inſpiciatis. Et ſuper hoc, materiam in articulis præd' ſpecificat' iuxta ſanas diſcretionē veſtras finaliter ſi poteritis determineſ: Sin autem nos in Cæcellaria noſtra de omni eo quod inde feceritis in quindena Sancti Michael' proxim' futur' vbicunq; tunc fuerit ſub ſigillis veſtris diſtincte & aperte reddatis certiores, remittentes nobis articulos prædictos vna cū præſentibus. Teſte &c.

A Commiſſion directed to the Lord Deputy of Ireland, and the Lord Chancellor, with others, for the hearing and determining of a Title of Land.

Seſt. 61.

IAmes by the grace of God &c. To our truſty and right well beloved Sir H. S. knight of the order &c. L. Deputy of our Realme of Ireland, H. C. Archbiſhop of D. our Lord Chancellor there, Sir J. P. knight chiefe Juſtice of the Pleas there, J. B. Eſquire chiefe Baron of our Eſchequer there, J. A. Eſquire, one of our priuie Counſell there, J. D. Eſq. ſecond Juſtice of our chiefe Bench there, R. F. Eſq. our Serieant at the Law there, and L. D. Eſq. our Solicitor there. Know ye, that for certaine conſiderations vs thereunto mouing, &c.

our

any more motion, and for the great confidence & trust we haue in you
 abilities, circumspections, providences, & wisdomes, we haue depu-
 ted, ordained, authorized, appointed, constituted, given and granted,
 and by these presents do depu'te, ordeine, authorize, constitute, appoint,
 give, & graunt vnto you, or any big, by, by, b, iij, or iij, of you (of which
 we will that ec. be alwaies one) full power, iurisdiction, and authoritie,
 to hold pleas, heare, determine, discusse, decree, and finally to iudge of
 all and singular actions, debates, strifes, quarrels, rights, titles, and
 demands whatsoeuer they be, as well reall as personall, which by
 plaint, supplication, or bill to be exhibited, or other wise by any man-
 ner of meanes else, shall or may appere, or come befoze you, or any
 big, by, by, b, iij, or iij, of you, (of which we will that ec. be alwaies one)
 of, for, and concerning the interest, right, title, demand, and possession
 of two parts or moities, of all those lands &c. with the appurtenances
 in the Countie of W. within the said realme of Ireland, to be by W. D.
 late of ec. J. D. widow, J. D. pp. D. D. D. gentlemen, and sonnes to
 R. D. late deceased, & R. D. nephew to the said J. D. and W. or by any
 of them generally, or ioyntly, or any y, iij, b, or b, of them against
 C. alias W. lord of A. within our said realme of Ireland, and at and
 among other person or persons, which shall claime from, by, or in the
 right of the said lord, or in his or their owne right or rights, or by any
 means else whatsoeuer it be, which he or they claime to haue to the
 said moities of the two partes of the saide lands &c. with the appurte-
 nances aforesaid: giuing and granting, and by these our letters pa-
 tents we do giue and graunt vnto you, or to any big, by, by, b, iij, or
 iij, of you, (of which number we will that ec. be alwaies one) full po-
 wer, iurisdiction, and authoritie, to call befoze you, or any big, by, by,
 b, iij, or iij, of you, (of which we will that ec. be alwaies one) at such
 times and places according to your good discretions, which vnto you,
 or any big, by, by, b, iij, or iij, of you, (of which we will that ec. be alwaies
 one) and to cause the said lord W. or any which claime in his or their
 owne right or rights, or by any waies or means else whatsoeuer, and
 interest, right, title, or possession in the two partes or moities of the
 said lands &c. with their appurtenances aforesaid, or any parcell ther-
 of, to answer, reioyne, and to p'ue issue, or other wise plead, as the cause
 and matter shall require, and by or any plaint, supplication, and or suit
 whatsoeuer, which shall be exhibited, or come befoze you, by the a-
 boresaid W. D. J. D. J. D. J. D. pp. D. & R. or by any of them jointly
 or severally, or any (iij, iij, b, or b, of them, of, & concerning the said
 two partes or moities of the said lands &c. with their appurtenances a-
 foresaid: giuing and granting, and by these presents we do giue
 & graunt vnto you, or any big, by, by, b, iij, or iij, of you, (of which we
 will

will that *ec.* be alwayes one) full power, iurisdiction, & authoritie, ac-
cording to your wisdoms, discretions, and providences, to call before
you all manner of witnesses, and to examine all charters, evidences,
muniments, writings, & every other thing else, which may be a mean
to prove, justify, disclose, or make evident the interest, right, titles,
demand, or possession of any of the aforesaid parties, to the saide
two parts or moities of the saide lands *ec.* with their appurtenances
aforesaid, and upon the same thoroughly and with mature deliberation
and iudgement considered & weighed, we do give & grant unto you, or
any viij, vij, vi, v, iij, or ii, of you, (of which number we will that *ec.*
be alwayes one) full power, iurisdiction, and authoritie to proceed to the
following, decree, definition, sentence, & small iudgement, according to
your discretions, of the interest, right, title, demand, and possession of
the saide two partes or moities of the saide lands *ec.* with their appur-
tenances aforesaid, and to decree the possession of the premises to him,
or them, to whom of right it ought to appertaine, and his or their saide
possessions to maintaine: And if any of the parties aforesaid, or any
other person or persons which shall haue to doe in the same matter
or cause, do wilfully or obstinately withstand or disobey any process,
order, decree, sentence, or iudgement, which shalbe directed or given in
the premises by you, or any viij, vij, vi, v, iij, or ii, of you, (of which
number we will that *ec.* be alwayes one) Then we will and
command you, and by vertue of these our Letters patents give full
power, warrant, and authority unto you, or to any viij, vij, vi, v, iij,
or ii, of you, (of which number we will that *ec.* be alwayes one) to
commit him or them to prison, there to remaine till his, her, or their
conformities shalbe therein had, willing & commanding you, or any
viij, vij, vi, v, iij, or ii, of you (of which two wil *ec.* be alwayes one) that
at such times & places, as to your discretions, or to the discretio of any
viij, vij, vi, v, iij, or ii, of you, (of which number *ec.* be alwayes one)
shal seeme fit and convenient, diligently to attend, apply, & with speed
put in execution the effect of this our Commission, so as the complai-
nants before named, or any of the which shall haue to do therein, may
not haue iust cause to make further complaint for delay or want of
Justice, willing & commanding you, or any viij, vij, vi, v, iij, or ii, of
you, (of which two wil *ec.* be one) to admit no dilatorie exception to
any supplication or supplications, bill or bills of complaint exhibited,
or to be exhibited before you, or any viij, vij, vi, v, iij, or ii, of you, (of
which number we will that *ec.* be alwayes one) or otherwise to the
overthrowing of this our Commission: But according to our mean-
ing herein to proceed, and to go to the full hearing, ordering, decre-
ing, iudging, and determining of the right, title, and demand of the

parties

partes also said, of, for, and concerning the premises, & every part and parcel thereof, and accordingly to decree & iudge, as to equitie & right shall appertaine, any act, statute, law, provision, or ordinance to the contrary thereof notwithstanding. And therefore saile you not, if you tender our sauo: for if our said subiects W. D. P. J. F. G. D. and N. D. should be put from such trial of their right to the premises, as by this our Commission we haue provided for them, their disability and want of riches, wealth, friendship, and alliance considered, & of the other part of the said Lord of D. their aduersary, being thoroughly furnished of all those things, and withall being a Lord by birth, & of great calling and authority, & inhabiting within the said county, where the said lands &c. do lie, our said subiects should be in peril and dāger to be without remedy at our common Lawes there, which were no small mischief to them. The premises considered, we haue granted this our Commission according to the tenor also said. And further we will and command you, and by vertue hereof giue full power & authoritie vnto you, or any viij, viij, viij, viij, or iij, of you (of which we will that &c. be one) that after the right, interest, title, and demand decreed, adiudged, & determined, as is also said: that you haue consideration vnto the hinderance, losses, & damages, which the complainants, or any of them, as is aforesaid, haue had & sustained, by reason of the wrongfull detaining of the possession of the premises, and the said damages by you, as is aforesaid, taxed & extracted, thereof to cause a full execution & satisfaction to be had & made vnto the said complainants, & every of them, as is aforesaid. And for the better putting in execution of this our Commission, we will and commaund the Sherife of that our said countie of W. and all other our Officers for the time being, to whom in this case it shall appertaine, that they & every of the be attendāt vpon you, or any viij, viij, viij, viij, or iij, of you, (of which we will that &c. be one) for the executing, fulfilling, & doing of all & every act & acts, thing or things, as shalbe by you, or any viij, viij, viij, viij, or iij, of you (of which &c. be alwaies one) commanded, limited, or appointed. In witnes whereof &c.

Having hitherto in some sort shewed the writs of Commissions, and course of proceeding in Chancerie suits: It seemeth needfull now to expresse what Bills of complaint, Answers, Replications, Rejoinders, and Surrejoinders be, with diuers formes thereof, according to the causes of suit.

What a Bill of complaint is.

A Bill of Complaint is a declaration in writing, shewing the Plaintiffes grieve, and the wrong which he supposeth to be done
 B b. ij. unto

Sec. 62.

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unto him by the defendant, and what damages he sustains by occasion thereof, praying proceſſe against him for redreſſe of the ſame: and may appeare by many exampls hereafter following, whereupon Hon. ſignis hath theſe verſes.

*Quis, quid, coram quo, quo iure petatur, & à quo,
Reſte compoſitus quique libellus habet.*

And firſt the matter of every bill ought to be true. Secondly, the ſame matter ought to be laied downe therein plainly and certainly in every circumſtance of the thing, perſon, time, place, manner of doing, and of her accidents. And thirdly, the ſame ought to be ſufficient in law, both for the ſoyme thereof, & for the matter, that it be ſuch as is examinable in this Court, which being otherwiſe, may be diſmiſſed thence.

Seſt. 63.

The direction of all Billes in the Chauncerie muſt be at the toppe thereof. And when there is neither Lord Chancellor, nor Lord Keeper, it is thus:

To the Kings moſt excellent Maieſtie, in his Highneſſe Court of Chauncerie.

In moſt humble manner complaining, ſheweth vnto your moſt excellent Maieſty your moſt humble and obedient ſubieſt H.C. &c.

And when there is a Lord Keeper, thus:

To the right Honourable Sir Iohn Puekering Knight, Lord Keeper of the great Seale of England.

And when there is a Lord Chancellor, then thus:

To the right Honourable Sir C.H. knight, lord Chancellor of England.

Their other titles of honoz may be alſo added in the ſaid direction, but they are not much neceſſarie.

Seſt. 64.

What an Answer is.

Anſwer is that which the defendant pleadeth or ſaith in barre to avoid the plaintiffs bill or action, either by confeſſion and avowing, or by denying and traueſſing the materiall partes thereof. And the title of ſuch anſwer is thus:

The Anſwer of A.B. defendant to the Bill of complaint of C.D. complainant.

But if there be many defendants, then thus:

The ioint and ſeueral Anſweres of A.B. and C.D. defendants, to the bill of complaint of E.F. complainant.

An Anſwer is called in Latin Exceptio, quæ dicta eſt quaſi quædā exclusio quæ interponi actioni et inſeque rei ſolet, ad excludendum id quod in intentione rei condemnationis iure deductum eſt. *Ulpianus.*

What

What a Replication is.

A Replication is the plaintifes speech or answer to the defendants Answer, which must affirme and pursue his bill, and confesse and avoide, deny, or traaverse the defendants answer. And note, that the plaintife ought to reply the next Terme after that the defendant hath answered, else may he give him day to reply: by which day if he doe not reply, the defendant may procure a dismissal, and get costs. Sect. 65.

Et dicta videtur Replicatio quod vel implicatam & quasi rectam exceptionis iniquitatem replicet & patefaciat: vel potius quod æquitatem actionis ab excipiente rei rectam & quasi complicatam explicet æque aperiat. Hortomanus.

And the title of a Replication is thus:

The Replication of W.P. Complainant, to the answer of R.C. Defendant.

What a Rejoinder is.

A Rejoinder is the answer which the Defendant maketh to the Plaintifes replication, which must pursue and confirme his answer, and not swarue from the same, and sufficiently confesse & avoide, deny, or traaverse each materall part of the Plaintifes replication, Est autem reiuñctio seu duplicatio, vel allegatio quæ datur reo ad infirmandum replicationem actoris & confirmandum exceptionem rei. Spieg. Sect. 66.

If the parties be not at issue, by reason of some new matter disclosed in the defendants rejoinder, that requirerh answer: then may the plaintife surrejoine to the said rejoinder, and the defendant in like manner to the surrejoinder, if there be cause, which happeneth very seldome.

And the title of a Rejoinder is thus:

The rejoinder of C.A. Defendant to the Replication of E.W. Complainant.

What a Surrejoinder is.

A Surrejoinder is a second defence of the Plaintifes action, opposite to the Defendants rejoinder. And therefore Hortomanus calleth it, Triplicatio, quæ est secundæ actionis defensio contra rei duplicationem opposita. Sect. 67.

And thus is the title of a Surrejoinder:

The Surrejoinder of E.W. Complainant to the Rejoinder of C.A. Defendant.

A Bill of complaint for entering into and making secret estates of Copyhold lands, waisting part thereof, and mingling part thereof with the lands of others, to dismember the Plaintife by having the Copies thereof.

Humbly complaining sheweth unto your Honorable A. B. C. of Sect. 68.
H.B. in the County of Yorke esquire: That whereas A. B. C. late of

B b. 14.

D.

Esquire deceased, father to your orator, was in his life time by god and lawfull conueiance & assurance in the law, lawfully seised to him and to his heires in fee simple, according to the custome of the manors of **W.** in the said county of **P.** of one copyhold or customary mesuage or tenement, and of certaine customary lands, meadows, and pasture, to the quantity of 100. acres, or thereabouts: and the said **H. C.** your orator's father so being thereof seised as aforesaid, and being visited with sicknesse, during the minority of your said orator, by god and lawfull conueiance and assurance in the law, and according to the custome of the said manor of **W.** did conuey, assure, and surrender the said copyhold or customary mesuage or tenement, and other the premises, with the appurtenances, into the hands of **A. B.** the Lord of the said manor, for the better maintenance, and to the vse of your said orator. To haue and to hold to your said orator, and to his heires and assignes, at the will of the Lord, according to the custome of the saide manor: by force whereof your Honor's said orator in the Court of the said manor paid his fine, and was of the said copyhold and customary tenements with the appurtenances, by the then steward of the saide manor of **W.** admitted tenant. But so it is, if it may please your Honor, that all the evidences and copies, of and concerning the said mesuage, lands, tenements, and premises, being left in the hands, custody, and possession of your orator's said father whilst he liued, in right belonging vnto your Lordships said orator, are now by casuall and sinister meanes come to the hands and possession of one **H. H.** of **D.** in the said county of **P.** who by colour of the hauing thereof, hath wrongfully entred into the said mesuage, lands, and premises aforesaid, and hath made and conueied vnto himselfe, and to others to his vse, diuers and sundry secret estates thereof, and doth pretend wholly to disinherit your Lordships said orator of the same, notwithstanding your said orator hath by diuers and sundry meanes in friendly manner oftentimes sought to haue the said evidences and copies, and requested the same at the hands of the said **H. H.** and also that he would yelde vnto your said orator the quiet possession of the said mesuage, lands, and premises, to whom he doth wel knowe the same in right to belong and appertaine, yet that to do, he hath not onelie denied and refused, and still both deny and refuse to doe the same: But of his further malice against your said orator, he doth threaten your orator in such sort, that your orator for want of the said evidences and copies, dareth not make his iust and lawfull entrie, in, and to the same: And also the said **H.** hath committed, and doth continue daily great and outrageous waxes and spoiles, in decaying of the houses, selling downe of the wood and timber trees of the premises, to your orator's great losse

and disinherison, and contrary to al right, equity, and god conscience. In tender consideration wherof, and sozasmuch as by the strict course of the common lawes of this realme, your L. said ozatoz hath not any ordinary remedy for the obtaining and recovering of the said evidences and copies, for want of the certaine knowledge of the contents and dates thereof, and what in them be contained, neither can your ozatoz learne against whom to commence any suit for the said mesuage, lands, and premisses, for that the said W. H. and others, to your ozatoz altogether unknowne, haue confederated themselves together against your said ozatoz, and haue cōtrived and made amongst themselves diuers secret estates and cōuenances, and haue so intermingled the same, to, and with other lands, tenements, and hereditaments, to and with certaine of their owne scēhold and inheritance, that your ozatoz knoweth not which the same be, nor how much thereof the said W. H. and other his confederates doe severally hold, whereby to commence any action or suite, or make any lawfull entrie, into, or for the same, without your ozatoz's great danger: And yet your ozatoz hopeth that vpon the cojporal oath of the said W. H. he wil manifest such matter, whereby your ozatoz may the more better, easly, and readily proceed and attaine to the recovering of his iust and lawfull right and inheritance of the premisses: for the furtherance wherof, it may please your god L. ship to grant vnto your said ozatoz his Writtes most gracious Writ of Subpoena to be directed to the said W. H. commanding him thereby at a certaine day, and vnder a certaine paine therein to be limited, personally to be and appeare in his Writtes high Court of Chaucery, then and there to answer to the premisses &c.

*The Answer of H. H. Defendant, to the Bill of complaint of
H. E. Complainant.*

The said defendant saith, that the said bill of cōplaint against him Secd. 69. exhibited into this honozable Court, is very vncertaine, vntrue, and insufficient in the law to be answered vnto by the said defendant for diuers & sundry apparent faults & imperfections therein cōtained: and devised and exhibited into this honozable Court, partly of malice and euill will, without any iust cause conceived against the said def. to the intent thereby vniuersally to bere and molest him with tedious travell, being an aged man, and to pnt him to great expences, being very poore: but chiefly to thintent and purpose to wearie, impoverish, and terrifie him this defendant: Nevertheless, if by the order of this honozable Court, this defendant shall be compelled to make any further or other answer vnto the said vntrue, incertaine, and insufficient bill of complaint, then and not otherwise the aduantage of exception

thercof to this defendant, at all & every time & times hereafter saved,
fo; further answer thereunto, and fo; a full and plaine declaration of
the truth, touching so much of the materiall contents of the said bill,
as in any so; concerneth this defendant, He fo; himselfe saith, That
whereas the said complainant in his said bill alleageth, that one H. C.
his father deceased, was in his life time by god and lawfull conuei-
ance and assurance in the Law lawfully seised to him and his heires in
simple, according to the custome of the said manor of W. in the said
bill mentioned, of one copyhold o; customeary mesuage o; tenement,
and of certaine customeary lands, medows, and pasture, to the quanti-
ty of 100. acres, o; thereabouts: and that he being thereof seised and
visited with sickness, during the minority of the said Complainant,
by god and lawfull conuei-ance and assurance in the Law, & according
to the custome of the said manor of W. did conuey, assure, and surren-
der the same Copyhold o; Customeary mesuage o; tenement, and o-
ther the premises, with the appurtenances thereunto belonging, to
his better maintenance, to the vse of the said complainant. To haue
and to hold to the said complainant, and to his heires and assignes, at
the will of the said Lord, according to the custome of the said manor:
And that by force thereof the said Complainant in the Court of the
said manor paid his fine, and was of the said Copyhold o; Customeary
tenements with thappurtenances, by the then Steward of the said ma-
nor of W. admitted tenant. He this defendant saith, that to his
knowledge, the said H. C. late father of the said complainant, was neuer
either lawfully seised to him & to his heires, according to the custome
of the said manor of W. of the said tenements & premises in the said bill
mentioned, by any god & lawfull conuei-ance & assurance in the law,
according to the custome of the said manor: Nor did ever conuey, as-
sure, & surrender the said customeary tenements & other the premises,
to the vse of the said complainant, his heires and assignes: neither did
the said complainant ever pay his fine fo; the same in the said Court,
neither was he euer lawfully admitted tenant thereof, as he the said
complainant in his said bill vttruly pretendeth. And whereas the said
complainant in his said bill also pretendeth, that the euidences & copies,
of, and concerning the said mesuage, lands, tenements, and premises,
being left in the hands, custody, & possession of the said complainants
father whilest he liued, in right belonging vnto this complainant, are
now by casuall meanes comen to the hands and possession of this de-
fendant, and that he by colour of the hauing thereof, hath wrongfully
entred into the said mesuage, lands, and premises aforesaid, and hath
made & conueied to himselfe, and to others to his vse, diuers & sundrie
secret estates therein, & doth pretend thereof wholly to disinherit the
said

said complainant. This defendant saith, that none euidences or copies
 of, or concerning the said mesuage, tenements, & premises, are by ca-
 suall meanes, or otherwise come to the hands or possession of this de-
 fendant, & that by colour of hauing thereof, he this defendant, neither
 wrongfully entred into the said mesuage, tenements, & premises, nor
 any part thereof, neither hath he this defendant conueied to himselfe,
 or to any other person to his vse, diuers and sundry, or any secret es-
 tates thereof, neither doth he pretend thereof wholly to disinherit
 the said complainant, as in the said bill it is vntrely alleaged: with-
 out that, that the said complainant by diuerse and sundrie meanes in
 frendly maner hath oftentimes sought to haue the said euidences and
 copies, and requested the same at the hands of this defendant: And al-
 so that he would yield vnto your said orators the quiet possession of the
 said mesuage, tenements, and premises, or that he this defendant
 doth well know the same, in right to belong vnto him the said complai-
 nant, as in the said bill it is vntrely alleaged: and without that that
 he this defendant of malice against the said complainant doth threaten
 him the said complainant, in such sort, that he for want of the said eu-
 idences, dareth not make his iust & lawfull entrie or claime, to & in the
 same premises, or that he the said defendant hath or could commit, or
 doth or can continue daily committing great and outrageous waikes &
 spoiles, in decaying of the houses, and selling downe of the woods and
 timber trees of the premises, to the great losse & disherison of the saide
 complainant, & contrary to all right, equity, and good conscience, as in
 and by his said bill of complaint he hath most bairly and vntrely al-
 leaged. For touching the said supposed threats, this defendant saith,
 that he is a very feeble poore old quiet man, very desirous of the fauor
 and good will of all men, and therefore neither willing, nor able by his
 threats to terrifie or feare the said complainant, being a gentleman of
 worship, power, and liuing, hauing many kinsfolkes, allies, friends,
 and seruants, so that he this defend. hath rather iust cause to be afraid
 of the said complainant than the said complainant to feare him. And
 further touching the said waikes and spoiles, this def. saith, that the said
 customary or copyhold lands in W. aforesaid, are holden of the man-
 nor of W. aforesaid. And without that, that the said complainant hath,
 or ever had any lawfull title to commence any action or suite, or to
 make any entrie, against or vpon this defendant, for any lands, te-
 nements, or hereditaments, in the said bil of complaint mentioned, as
 it is therein vntrely alleaged: And without that, that this defend. can
 vpon his corpesall oath manifest such matter, whereby the saide
 complainant may the more better, easily & readily proceed and attaine
 to the recouering of any iust or lawfull right or inheritance, or in any
 other

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other maner then in this answer is set down, as the said complainant untruly sheweth, and most vainly hopeth, as he in his said bill allegeth: And without that, that any other matter, thing or things, clause, sentence, article, or allegation in the said bill of complaint contained, materiall or effectuall in the law to be answered unto by this defendant, and not herein confessed and avowed, denied or traversed, is true. All which matters this defendant is ready to auerre and pprove, as this honorable Court shall award: And therefore prayeth to be dismissed out of the same, with his reasonable costs and charges in this behalfe wrongfully, and without cause sustained.

The Replication of H. E. Esquire complainant, to the Answer of H. H. defendant.

Sect. 70.

THe said Complainant for Replication saith, that he will auerre, maintaine, and iustifie his said bill of complaint, into this honorable Court exhibited, and every matter & thing therein contained, to be certaine, true, and sufficient in the law to be answered unto by the said defendat, and not devised and exhibited into this honorable court of any malice or euill will, but upon iust cause conceived against the said defendant, as the said defendant in his answer untruly hath alleged. And for further replication saith, that the said H. E. late father of this Repliant, was lawfully seized to him and to his heires, according to the custome of the said manor of W. of the said tenements & other things in the said bill mentioned, by good & lawfull conueiance & assurance in the law, according to the custome of the said manor: And did couvey, assure, and surrender the said customary tenements & premises to the vse of the said Repliant & of his heires, and the said complainant did pay his fine therfore, and was lawfully admitted tenant therof, as he the said complainant in his said bill very truly prayeth. And also he saith, that the euidences & copies, of, & concerning the said tenements & premises, are come to the hands of the said def. and that by colour thereof the said defendant hath wrongfully entred into the said messuage, tenements, and premises, and hath conueied to himself and to others to his vse, diuers & sundry secret estates therein, as in his said bil of complaint is also most truly declared: And that the said complainant hath oftentimes sought & requested to haue the said writings, copies, & euidences at the hands of the said defendant: And also that he would yield unto him the quiet possession of the said messuage and premises: And also that the said def. hath and still doth commit, & continue daily committing great and outragious waxes and spoiles, in decaying of the houses, and selling downe of the woods and timber trees of the premises, to the losse and disherison of him this complainant,

nant, as in the said bill of complaint is truly alleged: And without that, that any other matter or thing contained in the said answer material or effectually to be replied unto, and not herein sufficiently confessed or avoided, traversed, or denied, is true. All which this complainant is ready to averre & prove, as this honorable Court shal award. And praieth as he befoze in his said bill of complaint hath prayed.

A Bill to stay sute at the common law upon an obligation, because the money is satisfied in divers payments and reckonings.

In most humble wise complaining, Sheweth to your good Lordship Sec^t. 71.
 I. fr. 99. That whereas one H. B. of D. in the county of D. esquire now deceased, having many daughters to advance, which were then but of tender years, did about 21. years now last past, make his last will and testament in wyting, and by the same did give and devise amongst diverse and sundry other legacies amounting to a very great value, the summe of 100. £. to A. one of his daughters, and of his said last will and testament did nominate, constitute, and appoint your said honor, and one G. K. esquire being his neere kinsman, and assured good friend his executors: but also did commit the government and education of his said children unto them, and after died. By, & after whose demise, and befoze the probate of the said last will, and testament, the said K. died: by reason whereof your said honor alone proved the said will, and tooke upon him the execution of the same, and after ward, one J. M. being a man very basely borne, & of very little credit, did without the privity, consent, or good liking of your said honor, or of any other to whom the said H. B. had committed the government and education of his said children, contract himselfe with the said Anne, & with her did marry: After which marriage, albeit your said honor greatly disliked there with, & that the said H. B. had bequeathed unto the said Anne, but the summe of 100. pounds, yet your said honor, in respect of the neere alliance betwene him and the said children, and to the end they should live in the better credit and account, was amongst the rest contented to bestow on the said Anne 100. pounds more then her said father bequeathed unto her: and thereupon at the speciall request and earnest suit of the said J. M. and the said Anne then being his wife, and for their better credit, advancement, and preferment, did not only presently pay & deliver to the said J. M. in ready money the summe of fiftie pounds, partell of the said summe of one hundred pounds so bequeathed to the said A. his wife, as is also said, but also became bound unto the said J. M. in the summe of an hundred pounds for the payment of fiftie pounds and yet at certayne times in the condition of the said obligation mentioned, which amounted to the full summe of one hundred pounds, so bequeathed as is also said to the said A.
 And

Supplications, Bills,

And then also became bound unto the said J. W. in one other bond, in the summe of 200. £ for the payment of 100. £ at certaine times in the condition of the said obligation limited, which your said Datoz of his owne liberalitie, and for the aduancement of the aforesaide Anne, gaue vnto her thence: which bonds so made, the said J. W. hauing had many occasions to vse money, hath often made meanes to your saide Datoz, to relieue his necessitie therein, befoze such time as the same summes or any of them grew due vnto him, to be paid by the said seuerall obligations, by reason whereof your said Datoz about the first day of July in the first yere of his Maieties raigne that now is, paid and deliuered vnto the said J. W. the summe of 50. £. more in part of payment and satisfaction of the said summe of 150. £. growing by the said two seuerall Obligations, wherein your said Datoz standeth so bound, as is aforesaid: and your said Datoz likewise paid and deliuered vnto the said J. W. at such times as the said J. W. hath demanded the same diuers seuerall summes of money, amounting in the whole to the summe of 212. 8. s. which the said J. W. hath accepted in part of payment of the said summe of 150. £. and which the said J. W. knoweth to be true, and also your said Datoz hath paid by the hands of J. B. to the said J. W. and in discharge of some debts due by the saide J. W. and by his appointment at seuerall times the summe of 80. £. 6. s. 8. d. which the saide J. W. hath also accepted in part of payment of the said summe of one hundred and fiftie pounds, which said seuerall summes the said J. W. hath from time to time accepted, as in part of payment, and discharge the said summe of 150. £. And your said Datoz also standeth bound for the onely debt and dutie of the said J. W. for the payment of twenty pounds more vnto J. B. esquire, which your said Datoz alwaies hath been, and yet is ready to pay for the said J. W. when he shall be thereunto required, so that your said Datoz, hath in the whole paid and satisfied vnto the said J. W. in discharge of the debts of the said J. W. the full summe of one hundred foure score and eight pounds, and more, which is more than your said Datoz needed to haue paid vnto him as any money due vnto the said Anne, wife of the said J. W. for the said J. W. both very well know, that the saide J. B. did not deuise or bequeath any more vnto the saide Anne, than the summe of one hundred pounds. And both also very well know, that he hath diuerse and sundrie times, vpon the receipt and payment of the said seuerall summes, not onelie confessed the receipt of the same, but also faithfully promised vnto your said Datoz, that he would cancell and deface the said Obligations, Yet notwithstanding, so it is, if it may please your good Lordship, that albeit the said J. W. both very well know, that your

the Defendoz hath fully satisfied and paid unto him the said summe of
 100. pounds, bequeathed by the said W. unto the said Anne, and
 hath also fully satisfied and paid unto him 88. l. and more, parcel of
 of said 100. l. which your said Defendoz gave unto the said Anne, of
 his own free liberality, for the advancement of the said A. and that
 the said Obligations, viz. one of 100. l. for the payment of fifty l.
 and one other Obligation of 200. l. for the payment of 100. pounds,
 which your said Defendoz becomis bound in, unto the said J. C. were
 by the selfe same debts, which your said Defendoz hath at severall pay-
 ments, as is aforesaid, payed unto him in discharge, and in part of
 satisfaction of the said severall Obligations, ought in all right, equi-
 ty, and good conscience, to be cancelled and defaced, upon the payment
 of the residue of the said summes which is behind, & which your said
 Defendoz is ready to pay, yet he the said J. C. having a very greedy
 and covetous disposition to enrich himselfe, albeit he doth very well
 knowe the said severall Obligations, to be in effect fully satisfied and
 discharged, as is aforesaid, and that he hath not at any time bene any
 way diminished by the foregoing of the said severall sums, yet hath
 he now lately commenced suit upon one of the said Obligations, in
 his Majesties Court of Kings Bench, and upon the other Obligation
 in his Majesties Court of Common Pleas, meaning to take the
 whole satisfaction of the said severall Obligations against your said
 Defendoz, in that your said Defendoz did not in twenty six years pay un-
 to him the said severall summes, according to the condition of the
 said Obligations, but did always pay the same at such times as the
 said J. C. had occasion to use it, and as he did at any time demand
 it, and sooth with all the expedition he can, and with the most hard-
 work that he may use, seekes to recover the penalties of the said sever-
 all Obligations against your said Defendoz, contrary to all right,
 equity, and good conscience, and to the great hurt and hinderance of
 your said Defendoz. And albeit your said Defendoz hath otherwise and
 sundry times earnestly required of the said J. C. not onely to
 cancel and deface the said Obligations, upon the payment of the
 residue, and surrende his severall suites commenced upon the said
 suit, & any of them to doe he hath denied and refused, and still
 hath denyed and refused, contrary to all right, equity, and good conscience:
 In consideration whereof, and soasmuch as your said Defendoz hath
 begun matter to please in barre of the said severall Actions by course
 of the common Lawes, in that albeit he hath in twenty six years paid and
 satisfied the said severall summes, in such sort as the said J. C. held
 himselfe contented therewith, yet can he not make any proofe of the
 payment of the same, according to the conditions of the said severall

Obligations.

Obligations: And so: that also the said J. W. hath not in any sort bin
dammed by the foregoing of the said summe of money, or any part
thereof, and yet if he had, soasmuch as your said orator hath fully
paid unto him fourescore and eight pounds moze then he ned to haue
paled, and that of his owne liberality, there is now no reason why he
should seek by rigour of lawe to take the foresaith of the saide severall
obligations, albeit it were true that the same were not fully satisfied
and discharged, in such sort as they ought to be: Pay it therfore please
your good Lordship, to grant unto your saide orator the R. maiesties
most gracious severall writs of Subpoena and Injunction to be dire-
cted to the said J. W. not only straitly charging & commaunding him
by the same at a certaine day, and vnder a certaine paine therein to
be contained and limited, personally to appeere before your good L. in
the Kings maiesties most high court of Chaucery, then and there to
answer to the premisses, but also inioynning him by the same, his coun-
sellors, attornies, and solicitors, to stay and surcease the saide severall
suits, and no further to proceed in the same, untill other order shall be
therein taken by your good L. And your saide orator shall pray for
your good L. in hono: long to endure.

*A Bill for the detaining of a lease for yeares, and taking the profits of the
lands leased, and secret taking of a Cow, distrained and impounded by
the plaintiffs out of the pound and charging him with the esjoy-
ning of the same Cow.*

Sept. 72.

Humble complaining, sheweth to your good L. your daily orator
H. C. of B. in the county of W. Gentleman. That whereas one
L. C. of B. aforesaid gentleman, was lawfully seized in his demesne,
as of fee, of, and in diuers & sundry lands, tenements, hereditaments,
with the appurtenances, sit, lying, and being in B. aforesaid, And he
so being thereof seised about the 20. day of May, in the first yeare of the
raigne of our soueraigne lord the Kings maiestie that now is, at B. a-
foresaid, so: and in consideration of a certaine summe of money to him
by the said L. C. well and truly contented and paid, and by Inden-
ture of lease, the certaine date whereof your said orator knoweth not,
so: that he hath not the said Indenture, did be wife, graunt, sell, and to
farme let the same unto the saide R. and his assignes, so: and during
the full end and terme of two yeares then next following. By force
whereof, your said orator was thereof lawfully possessed, untill about
the second yeare of the raigne of the R. maiestie that now is, R. H. W.
C. R. L. R. W. J. W. C. and R. his wife by casuall meanes ha-
ving obtained and gotten into their hands, so: into the hands of some
of them, the said Indentures, confederating themselves together of
purpose,

persons, to having your said ozatoz, & to expell & put him fro his lawfull quiet possession of the premises, & of the greater part thereof, & to have into one parcell of the premises called B. fields, bring them together with oats by your said ozatoz, and at the same time put in one cow and heifer, very maliciously to depasture and eat the graine & corn of your said ozatoz therein then growing, which said cow and heifer, did, and remained there depasturing, eating, and treading downe the said graine and corne, until your said ozatoz came & distrained the said cow and heifer for damage there doing, and impounded the said cow and heifer in a pound overt, at W. alozefaid, as is to fall was for him to doe, shortly after which impounding of the said cow and heifer, that is to say, upon the 12. day of Septem. the said W. C. and B. his wife repaired unto the dwelling house of your said ozatoz at W. alozefaid, and then and there requied your said ozatoz to deliver the said cow and heifer south of the said pound, affirming that they were sent thither to that intent and purpose by the said W. C. and B. which to doe, your said ozatoz refused, as lawfully he was for him to doe, because the said W. C. and B. his wife, had wronged them, did then and there tender unto your said ozatoz, and demands of satisfaction, so, & towards the said trespass: But so it is that may please your good Lordship, that about eleven o'clock of the day in the night of the said 12. day of Sept. the said cow and heifer were conveyed south of the said pound, (the door & gate of the said pound being fast locked) by the said W. C. & B. W. C. & B. his wife, & some of them, as your said ozatoz verily thinketh, and is perswaded in conscience, since which time, the said W. C. and B. have most falsely and unconscionably charged, and will charge your said ozatoz for the essaying and conveying away of the said cow and heifer, and have thereupon not onely commenced suit against your said ozatoz at the common Lawe, but also by colour of having the said Indenture, have made and continued unto themselves, & some of them, & to some other persons to their, & some of their wives, sundrie secret estates of the premises, and doe yet most wrongfully detain, and withhold the possession of a great part of the premises from your said ozatoz, to his great hurt and impoverishment: And soasmuch as your said ozatoz hath not anye ordinarie remedy by the due course of the common Lawes of this Realme, for recovery of the said Indenture, & for that he kneweth not the certain date, & contents thereof, nor wherein the same is contained: He is thereby not only very like to lose his lawfull and rightfull possession of, in, and to the premises, but also standeth in great danger to lose great damages for the supposed essaying of the said cow and

and

and Deyser, in that it please God, no your said Writoz toucheth it not, to move the heads of the said W. C. W. J. C. and R. his wife, upon their answers and othes in this honorable court, to discover & disclose the truth of their evil dealing and disorder in breaking of the said panna, and taking forth of the said Cow and Deyser, conveying them to unknown places, of purpose to charge your said Writoz their faith. And so far much as they have denied and refused, & yet do refuse and denie, either to permit or suffer your said Writoz quietly to have and take the issues and profits of the said premises, or to deliver unto him the said Adventure of lease, although he hath oftentimes most gently, and friendly required and desired them so to do: It may therefore please your good Lordship etc. As before is said in Sectio 61.

The answer of the same Bill.

Sect. 73.

The said defendants say, and either of them for himselfe severally saith, that the said bill of complaint is very uncertaine, untrue, and insufficient in the Law to be answered unto by these defendants, or any of them for divers apparent faults and imperfections therein contained, and the same very scinulous, as these defendants thinking sundry causes, and namely for that, that it is thereby supposed, that they and others, by reason of having the custody of the said supposed indenture or lease proposed to be made by the said W. C. in the said bill named to the said complainant of the said demesne lands of the High low also said, for if, yeres unwarmed, if any such covert, house, or continued unto themselves, or to some other persons, and to the bles, sundry secret estates of the premises, where if any such estate had bin made, they be already determined. And the said defendant further say, that as they verily thinke by the scope of the said bill, containing in it selfe much like matter, set out with many words, and in effect no matter worthy to be examined in this honorable Court, the same bill is devised and exhibited into this honorable Court, of mere malice and evil wil, to the intent to moleste and trouble these defendants, and others in the same bill named being quiet possors, dwelling almost seven score miles from the cite of W. with long and tedious journey to make their personall appearance in this honorable Court, to answer the said scinulous and untrue bill, without any good or iust cause so to doe. Whadvantage of exception to the manifest uncertaintie and insufficiency of which untrue bill of complaint to these defendants, and either of them saied, for answer therunto, they and either of them for himselfe severally saith, that they thinke it to be true, that the said W. C. of D. in the said bill named, was lawfully the owner of the said demesne, as of &c, or &c, of, and in divers lands, tenements &c.

here

inclosures, with thappurtenances, set, lying, & being in H. asforesaid, and that he being thereof seised about y. years now last past, did demise, grant, set, and to farme let the same vnto the complainant for y. years, as it is in the said bill alleaged, without that, that these defendants of purpose to expell the said complainant from his lawfull possession of the premises, or the greatest part thereof, entred into the said parcell of the premises, being sowed with oates by the said complainant, or at the same time put in one cow, and one heifer, very malitiously to depasture and eate the graine and cozne of the said complainant growing therein. And that the said cow and heifer to these defendants knowledge, remained there depasturing, eating, or treading downe the said graine & cozne, untill the said complainant came & distrained the said cow and heifer, for damage there doing, & impounded the said cow and heifer in a pound ouert at H. asforesaid, to their knowledge, as in the said bill is very vntrely alleaged. And without that, that shortly after the said impounding of the said cow & heifer, that is to say, the 15. day of A. the said A. M. J. M. C. and D. his wife, by the knowledge of the said defendants, or either of them, repaired vnto the said dwelling house of the said complainant, at H. asforesaid, and then and there required the said complainant to deliuer the said cow & heifer smyth of the said pound, affirming, that they were sent thither to that intent and purpose by these defendants, and the said P. T. in the said bill named, as in the said bill is vntrely alleaged. And without that, that to these defendants knowledge there was anie such cause, that anie amends so should haue bene tendered vnto the said complainant, for, or towards the said supposed trespassse. And that about 15. or 16. of the clocke in the night of the said 15. day of Septemb. the said cow and heifer were conueyed forth of the said pound by these Defendants, or either of them, or that these Defendants, or either of them, haue unconscionably charged the said complainant, for the carrying and conveying away of the said cow and heifer, or therupon commenced any suite against the said complainant at the common law, as in the said Bill is very vntrely alleaged, for they these Defendants verily thinke, that there was neuer any such cow and heifer, as is asforesaid, distrained, & without that, that these defendants, by colour of hauing of the said Indenture, in the said Bill mentioned, haue made and conueied vnto themselves, or to anie other person or persons to their viles, any secret estate of the premises, or anie part thereof, or doe wrongfully detaine and withhold the possession of a part or any part of the premises, from the said complainant, as in the said Bill of complaint it is likewise vntrely alleaged. And without that, that these defendants, or either of them, haue denied and re-

fused, or yet doe deny or refuse, either to permit or suffer the said complainant quietly to haue & take the issues and profits of the premises, or deliver unto him the said supposed indenture or lease, as in the said bill is truly surmised, so these defendants say, that to their knowledge they neuer saw nor heard read any such indenture or lease, And without that, that any other matter, thing or things &c.

A Bill to be relieved for. Obligations made for Simonie.

Secl. 74.

In most humble wise complaining, sheweth unto your honorable L. your said Orator, W. C. parson of L. in the Countie of P. That whereas about five yeers now last past, W. by the permission of God, now Bishop of L. and C. was lawfully seised of that nowion of the vicarage of D. in the countie of D. as of one in grosse, by it selfe, as of fee in right of his B. aforesaid, and unto the same vicarage being vacant, did present your said Orator his Clerke, who was afterwards admitted, instituted, and inducted into the same accordingly: which vicarage afterwards by resignation into the hands of the said B. to present againe to the same, as the very true patron thereof, became void. And afterwards your Orator became a humble suitor unto the said B. in the behalfe of one R. W. Clerke, that it should please him to present the same R. W. to the said vicarage, which after long suite, it being first agreed betwene your said Orator, and one C. D. with the knowledge and consent of the said B. that your said Orator in respect of the said presentation and admission of the said R. W. that there should a certaine summe of money, amounting as your said Orator thinketh, to the summe of thirty pounds, to be paid at certaine dayes then betwene them agreed upon, for the payment thereof, & that for true payment of the said summe at the said dayes, your Orator should become bounden unto the said C. D. by severall obligations, whereupon afterwards, that is to say, the 10. day of J. which was in the 18. yeare of the reigne of the Quenes most excellent maiesty that now is, your said Orator for the onely consideration aforesaid, and for the onely benefite of the said R. W. aforesaid, became bounden unto the said C. D. in foure or five severall obligations, videlicet, by some obligations in the summe of xx. l. or thereabouts, for the payment of 10. l. and in some other, in other summes for payment of 5. l. or thereabouts, at the said dayes and times, betwene them so as is aforesaid agreed upon, and thereupon the said R. W. for the said considerations was instituted and inducted into the said vicarage accordingly: which bonds were so made by your said Orator in hope, and upon the faithfull promise of the said R. W. would haue paid & discharged the said severall

summes

summes of money at the said days, according to the severall conditions of the said obligations: but now, so it is, that if it may please your honorable Lordship, that the said R. W. though oftentimes by your said orator required, hath not paid the said severall summes of money, nor any of them unto the said C. D. according to the said severall obligations, and according to the said agreement, & his said promise in that behalfe made, as is aforesaid: by meanes whereof, the said obligations, or the most part of them beene forfeited, and your orator already thereupon impleaded in her Highnes court, called the kings Bench, and by reason of the said obligations, or some of them, very like specially to be condemned thereupon, if by your L. gracious meanes he be not specially relieved, the which saide practices are much against all right, equity, and good conscience, and to the great damage, losse, and hinderance of your saide Orator. In tender consideration whereof, and sojourne such as the said promise of R. W. and the said agreement for the payment of the said severall summes of money, being matters of corruption, and unlawfull simonie, were so close & secretly wrought and contrived amongst them, that your said orator is not able to make any such due proofe thereof, as the strict course of the common Lawes of the Realme in this behalfe requireth, and so your L. said Orator is utterly without remedy by the common lawes to quash the said bond, or to make proofe of the said assumption and promise of the said R. W. though the same be so well knowne unto the said Bishop, and the said C. D. his factor, procurator, for such contracts of simonie, and also to the said R. W. that your orator verily thinketh, they will upon their answers hereunto in this honourable Court, upon their corporall oaths, if they be not altogether blinded with extreme courtousnesse, confesse the truth to be, as is abovesaid. It may therefore please your honorable Lordship to graunt unto your said Orator her Highnes most gracious writ of Subpoena, to be directed unto the said R. W. and unto the said C. D. and R. W. thereby commanding them, and every of them, at a certaine day, and vnder a certaine paine therein to be limited by your Lordship, to be, and personally to appeare before your honorable Lordship, in her Highnes most high court of Chancery, then & there to answer unto the premises, & to abide such further order and directiō therein, as to your honorable L. shall seeme to stand with right, equity, & good conscience, and also to grant unto your saide Orator her Highnes most gracious writ of Injunction, to be directed unto the said C. D. thereby commanding and inteyning him, and all his Counsaillers, Solicitors, and Attornies, to stay his saide suits and proceedings against your said orator, at, and by the common lawes, untill the premises shalbe heard and determined, or otherwise

C. y.

ordered

Supplications, Bills,

ordered in this honorable Court, and your said orator shall daily pray unto almighty God for the preservation of your honorable Lordship, in good health long to continue.

A Bill for boording.

Sect. 75.

Humbly complaining, sheweth unto your Lordship, your daily orator J. M. of K. in the county of L. gentleman: That whereas about foure or five yeeres since, one C. C. then the widow of W. C. and now wife to H. H. of B. in the county of L. yeoman, very earnestly and instantly required of your said orator, not onely for her selfe and her sonne to be tabled or boarded at the house of the said complainant, but also to haue house-rome for continual abode & lodging with him likewise, promising liberally & fully to recompence both the cost and trouble, which your said orator, or his household should sustaine therein, vpon hope of which promise and agreement, your said orator did to the full request and satisfaction of the said C. C. table and lodge the said C. C. and her sonne, being of the age of seven yeeres or thereabouts, during her widowhood, by the space of two yeeres at the least, ended about the Annunciation of the virgin Mary, in the xx. yeere of the Qu. Maesties reigne, about which time the said C. C. toke to husband the said H. H. after which marriage, vpon like promise & agreement with the said H. H. your said orator did likewise table, or table & lodge in his house the said H. H. and C. C. her sonne, and a seruant, by the space of one whole yeere and a halfe, ended about Paie day last past, during which time also the said H. H. put your said orator to great charge and trouble, with diuers horse, aswell kept in the houses of your said orator, and at his cost, as also abroad in his closes and pastures: notwithstanding all which costs, troubles, and charges of your said orator, notwithstanding is, if it may please your Lordship, that the said H. H. and C. C. being departed from the house of your said orator craftily, deceitfully, and unconscionably, refuse utterly, and deny to giue any recompence or consideration to your said orator for their meat, drink, lodging, or other charges, contrary to all humanitie, equitie, & right. In tender consideration whereof, & for that your said orator is without all help by the strict order & course at the common law, for that for the said tabling, lodging, & charges, there was no certain time, nor no certaine summe of money agreed vpon amongst the said parties, nor promised by the said H. H. & C. C. and that also the said agreement was betwixen themselves only, without any witnes. May it please your L. to grant vnto your said orator the Qu. Maesties writ of Subpoena, to be directed to the said H. H. and C. C. and your said orator shall daily pray for your good Lordship etc.

A Demurrer for double vexation.

The Demurrer of R. and W. defendants to the Bill of
G. W. complainant.

The said Defendant by protestation, not confessing or acknowledging any thing in the said bill alleged; materiall against this Defendant to charge him to be true, but rather devised and set forth onely of purpose to put this Defendant to wrongfull vexation, costs, charges, and expences in the law, so that before this time, that is to say, about the tyme of Easter, in the 25. yeare of the raigne of our soveraigne Lady the Q. paierly that now is, the said complainant by to this honourable Court of Chauncery, exhibited against this defendant, a Bill, containing in effect, the same matter which is alleged in the bill now exhibited, differing onely in forme, but nothing in substance, saving by adding some 5. acres, as the number of foure or five, as estimating one close in this Bill at foure acres, in the former estimated but at two, or thereabouts, and another close in this Bill now exhibited, at three acres, in the former estimated at two or thereabouts, and putting some acres to some other closes, the which before were set downe without limitatio or naming of any acres at all, being the selfe same closes and mesuage in the former bill expressed, bled, and occupied by the same title and name, and the same number of acres, now put in moze of purpose, to give the same compt some colour to exhibit this bill, as though it were a new matter, although indeede it be nothing so. To which former bill this defendant answered, and thereto the said complainant replied, and this defendant rejoined and so submitted to Commission, wherein this defendant joyned with the said complainant, and named Commissioners for himselfe, as the said compt named others for himselfe, and this defendant then bare halfe the charges of the same commission, as in such cases is used. And when the time came, that the same commission was to be sitten on, the said complainant soe showed the same, neither gave any warning to this defendant, nor laboured his owne commissioners, that this defendant ever heard of, to make for the erection of the same, but suffered the same to lay by the space of five or six termes, or thereabouts, as this defendant remembreth: whereupon this defendant for his owne reputation at his owne costs and charges, procured a commission for examination of witnesses in the matter directed to the selfe same Commissioners that the former Commission was, and gave notice thereof to the said complainant, & to one of his Commissioners, who agreed to meet at the day and place appointed, where this defendant was present with his commissioners and witnesses, and one of the said com-

C c. ii.

plainants

plainants commissioners was in the towne where the place was appointed the same day & time ready to have executed the said Commission, if the said complainant would have spoken to him therefore, as this defendant was credibly informed, and the said complainant was there present at the same time & place, & did so might have spoke with him that was named commissioner, for him who had a dwelling house in the same towne, being the towne of *Sp.* in the same county: and then and there the deponents upon this defendants behalfe were sworn & examined by and before these defen. then commissioners, and some of them sworn in the presence of the said complainant. And thereupon the depositions and examinations of the witnesses so sworn, whereby these defendants, then commissioners, caused to be engrossed in parchment, and certified into this honorable court, & afterwards published, and after publication, this defendant staid without doing any thing therein by the space of two terms, or thereabouts, during which time the said complainant did so said nothing at all in the said court touching the said suite, that this defendant ever heard of. And then this def. caused the said depositions to be exemplified under the great seal of Engl. to his great charges, which he hath ready to shew to this H. Court. And the said compl being not contented with these causless verations of this defendant: Anone after that this complainant had obtained the saide commission, the saide complainant for this defendants further veration, commenced suit against this defendant in the ecclesiasticall court of the Archb. of York, within whose Diocesse the same lands and tenements in *B.* in the bill mentioned be, & where the said father of this compl and defendant died, upon sumised matters touching the supposed will mentioned in the said bill, whereupon this defendant to his great charges appeared and answered as behomed for the time, by himself & his proctor, as is there visall, which suit the said complainant relinquished also, as this defendant thinketh, so he hath heard nothing thereof these xij. months and more. And now the said complainant meaning nothing else but this defendants trouble & molestation, hath renewed the said suit in this H. court againe, which before he had in the same court by the said first bill, containing the same matters in effect, & almost word for word, as in the same bill is mentioned, whereunto this def. hath already answered, as appeareth by the same answer remaining of record here in this court; & the same proctor, ded upon both, as is aforesaid: wherefore this def. for the causes aforesaid, and for the said double veration in this honorable court by two bills, containing in effect but one matter in substance, demurreth in law, and praieth, that he this def. may be dismissed out of this H. court with his reasonable costs & charges in this suit wrongfully sustained.

A Bill for and for rendering a lease made by the Plaintiffs to the defendants in truth, to give a title, and for occupying and wasting the lands demised, and for detaining of writings of copyhold lands contrary to their agreement.

Humbly complaining, sheweth unto your Lordship, your daily Orator J. R. of W. in the county of P. yeoman, That whereas about forty years now last past, one W. P. yeoman, was lawfully seized in his demesne, as of fee, of and in one messuage, with the appurtenances in C. in the county of P. & of, & in divers lands, tenements, meadows, pastures, & hereditaments thereunto belonging, being freehold land in C. also said, & D. in the said county of P. & he being there of such estate so seized about the first year of the reign of the Q. Mary that now is, by his last will and testament in writing made, and written in the life time of the said W. P. did give and bequeath the same to one E. then his wife, and now wife unto your said Orator, for the time of her natural life, the remainder thereof after her decease to one R. P. as by the said will appereth, and afterward the said W. P. died of such his estate thereof, so as is also said seized by force of which will & devise, the said E. by and after his death entered into the said messuage or tenements, and was thereof lawfully seized in his demesne, as of feehold, for the term of her life, the remainder thereof after her decease to the said R. P. in some also said belonging: and whereas the said W. P. was in his life also seized, of, or in certain copyhold or customary lands, lying and being within the manor of in the said C. of P. and holden of the said manor by copy of the court roll of the same manor in his demesne, as of fee, according to the custom of the said manor, and he being thereof so seized died thereof seized, by and after whose death, the said E. his wife was endowed of the third part of the said copyhold or customary lands and tenements, & according to the custom of the said manor, admitted thereof by the steward of the court of the said manor accordingly, by force whereof she likewise entered into the 1/3 part of the said customary tenements & premises, & was thereof likewise seized in her demesne, as of feehold, as tenant in dower thereof, for the term of her life natural, according to the said custom, & quietly and peaceably occupied and enjoyed the same untill about 10 years now last past. Now that your said Orator through importunate and earnest persuasions of some friends of the said J. R. and A. R. was contented in some matter to give unto their suite, and thereupon so, the surerance and trial of the title and interest of the said J. R. about the 14, day of J. in the 11th year of the Q. Mary's reign that now is, without any income, or other consideration to him paid, but giving credit unto the

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the speeches of the said J. T. and A. L. that they would seek nothing at the hands of him your said M^{ty}, but onely use the benefit of his present estate, for the redressing of uncertaine and lawfull suits & attempts which were then offered (as they then affirmed) by the said R. and others, did by this your said M^{ty} Indenture of lease, bearing date about the said time demise, graunt, and to farme let, to the said J. T. and A. L. all the said freehold lands, tenements, & hereditaments, with the appurtenances in C. & D. aforesaid. To have and to hold the said tenements and premises, with thappurtenances, to the said J. T. & A. L. their executors and assigns, from the feast of S. M^c. the Bishop in winter last past, before the date of the said Indenture unto the full end & terme of 21. yeeres thence next following, & fully to be complete and ended, if the said C. did so long live, yielding and paying therfor yearly during the said terme of 21. yeeres unto your said M^{ty}, his executors, administrators, and assigns, 20. s. of lawfull English money, at the feasts of Pentecost, and S. Martin the Bishop in winter by even portions, as by the same Indenture more at large appereth: by vertue and pretence of which demise, the said J. T. and A. L. into all the said tenements & premises, with thappurtenances, about the same time entred, and were thereof possessed, and ever since their entrie have quietly and peaceably occupied & enjoyed the said demised tenements & premises, & the rents, issues, and profits thereof arising and coming, have quietly and peaceably taken & converted to their owne only use: which rents, issues, and profits of the premises, ever since the making of the said leases, which is by the space of ten years now last past, have been yearly worth 4. l. at the least, over and above all charges and reprises. And in truth at the time of the making of the same lease, it was fully concluded and agreed by and betwene your said M^{ty}, the said J. T. and the said A. L. and the said J. T. and A. L. in consideration of the making of the said lease to them by your said M^{ty} in manner and forme aforesaid, and for the causes aforesaid, promised, that the said lease, and their said estate therby made, should be surrendered and yielded by unto your said M^{ty}, when either the said suites were ended betwene the said R. and them, or either of them, or when they by vertue of the said lease had enjoyed the same demised tenements and premises, by the space of one whole year, so then the same lease was so, as is aforesaid, made onely for the defence and triall of the said estate, right, and title of the said J. T. and A. L. of, and in the same tenements and premises, and not to the intent that they or either of them should by reason of the same Indenture, according to the purport and tenor thereof, for the terme of 21. yeeres have and enjoy the same, for so small a rent, which notwithstanding they have

the same, and yet so to occupy and enjoy the same, contrary to their
faithfull promises and agreement, as is aforesaid, they have and
yet do contenting themselves with the said occupation of the said te-
nements &c. do not only deny and refuse to yield unto your said Ma-
jesty either the said yearly rent referred upon the said lease, or any other
consideration for the occupying of the same, and utterly deny to yield
unto your said Ma-
jesty any rent or consideration for the same, being so
aforesaid, behind by the space of ten years, but also do utterly de-
ny to yield up unto your said Ma-
jesty their said estate and terms of years
yet to come, of, and in the said demised tenements & premises accor-
ding to their faithfull promises & agreement, so as is aforesaid made,
and further since their said entry into the said tenements and premis-
ses, they the said J. H. and J. L. or the one of them have razed or de-
stroyed all or part of the houses, edifices, and buildings, which at the
time of the making of the same lease were standing, and being upon
the said demised tenements and premises, and the chacks, dote, tim-
ber, and stone thereof, have either given away or converted the same
to their owne uses, without the consent of your said Ma-
jesty, in such manner that the same tenements might so be made brumate for the habi-
tation of your said Ma-
jesty, and his said wife, whereby they might the
more enforce your said Ma-
jesty for want of the said buildings, to yield
the same unto them, for little or nothing, by reason of the want of the
said adventure, there being onely one part thereof made together
with such copies as concerne the said copyhold lands, are in the
possession of the said J. H. and J. L. or of one of them, or of some
other persons by the delivery of them, or of one of them, the certaine
number, dates, contents, and other certainties whereof your said Ma-
jesty knoweth not: and albeit that your said Ma-
jesty hath divers times
in gentle manner required them the said J. H. and J. L. to deliver unto
your said Ma-
jesty the said adventure and copies, and to yield up and
surrender unto your said Ma-
jesty the said interest, of, and in the said
demised tenements & premises, according to the said agreement and
trust, yet they so to do, have ever hitherto refused and denied, & yet do
deny and refuse to do the same, and to yield up and surrender the said
estate, of, and in the said premises, according to the trust in the repo-
sit, and to repairs and redesse the said tenements and premises so be-
they razed, & pulled downe, as is aforesaid, against all right, equitie,
and good conscience, and against all good and honest dealing, and to the
impairing, and utter undoing of your said Ma-
jesty, and his said
wife, if they remedy be not in due time by your honorable Ma-
jesty provided for the repelling of their said unconscionable purposes and
attempts in the premises: In tender consideration whereof, and in so-
much

which of the said indenture conclusion, promises, and agreement, as aforesaid, hath been made, by and between your said honorable said J. R. and said J. M. concerning the premises, were secretly made and agreed upon, by, & between themselves, & their witnesses being present thereunto as present with the at the time of the making thereof, which might testify the same; and those witnesses, (such as they were) being now either dead, or unto your said orator, utterly unknown, being at the same time into strangers unto your said orator, & then brought thither by them the said J. R. and J. M. as it seemed, of set purpose to circumvent & deceive your said orator, and his wife in the premises, your said orator then referring speciall trust and confidence to the said J. R. and J. M. as persons to whom he took & accounted to have bin his very speciall good friends; and also very substantiall honest men, is utterly without all remedy by the strict course of the common law of this realm of En. to recover either the possession of the same tenement & premises, or of the said rents, they having his said indenture of lease as is aforesaid, or to recover the said copies: It may therefore please your honorable J. the premises graciously considered to grant unto your said orator, the said J. R. & J. M. the most gracious writ of Subpoena out of her highness court of Chancery, to be directed to the said J. R. and J. M. and either of them thereby commanding them, & either of them at a certaine day, & under a certaine paine therein to be limited, to appear before your honorable J. in the said court of Chancery, to answer to and abide the premises, and to do so, and abide such further order and direction therein, as to your honorable J. shall be thought to stand with right, equity, and good conscience. And your said orator shall daily pray for the preservation of your honorable J. & his heirs, and good health long to continue.

A Bill of an Administrator upon a promise made unto the intestate by the defendant, to pay unto him certain money in marriage of the defendant's daughter with one of the intestate's sons.

Sect. 78.

Complaining, sheweth unto your honorable J. Charles of S. adm. of the goods and chattells of the right honorable G. Earle of S. deceased his late father, that whereas about seven years now last past, there was certain communication between the said G. Earle of S. in his life time, and one W. K. of M. in the county of S. elquire, of, to, & concerning a marriage then intended to be made between W. K. elquire, one of the sonnes of the said late Earle, and C. the only daughter, and heire apparent of the said W. K. And thereupon it was fully concluded & agreed between the said late Earle, and the said W. K. and either party did mutually promise, and agree to

and

and with the other, that the said *H. R.* and the said *C.* daughter of the
said *H. R.* should marry together; according to the Ecclesiasticall
lawes of this realme of Engl. at a certaine day by the said parties, for
that purpose agreed upon and appointed. And for, and in considerati-
on of the said marriage to be made, as is aforesaid; the said *H. R.* about
the same time did assaure, & to the said late *Earle* said by his promise to
pay and give unto the said late *Earle* 4000. *l.* of lawfull English ma-
ney; or thereabouts, at certaine days likewise in that behalfe between
them agreed upon, and how long thence past; by reason of which a-
greement, promise, & assumption to make, as is aforesaid; the said *H. R.*
withedid after the said agreement; and by & take to his wife the said
daughter of the said *H. R.* And thereupon the said *H. R.* did to and
only content & pay to the said late *Earle* the summe of 1000. *l.* patcell
at the said summe of 4000. *l.* or thereabouts. And shortly after & before
the said late *Earle* had received the residue of the said sum of 4000. *l.*
the said *Earle* died. Now so it is, if it may please your honorable
H. that the said *H. R.* not ignorant of the premises; & nothing regard-
ing his said agreement and faithfull promise and assumption, so as is
aforesaid by him made, to, and with the said late *Earle*, but imagining
and fraudulently intending, as well the said late *Earle* in his life time,
as after his death, being administ. of the goodes and chattells of the
said late *Earle*, since his death in this behalfe falsly and deceitfully to
defraud and deceine him of the sum of 1000. *l.* at the least, parcel of the
said summe of 4000. *l.* or thereabouts, by him agreed & promised to be
paid to the said late *C.* as is aforesaid in consideration of the said ma-
riage, although that the said *H. R.* hath oftentimes, as well by the said late
C. in his life time, as by the now *C.* since his death bin cruelly & re-
quired to haue paid the said summe of 1000. *l.* according to his said a-
greement, promise, & assumption, yet that to do, hath he ever hitherto de-
nied & refused, and yet both deny and refuse to do the same, contrary to
his said faithfull promise & assumption, to the great losse & damage of the
now *C.* and altogether against al right, equity, & good conscience. Not-
withstanding that the said late *C.* in respect of the said marriage, hath co-
nented & assured unto the said *H. R.* a good estate of inheritance, of di-
vers manors, lands, tenements, & hereditaments worth 3000. *l.* by the
value, or thereabouts, whereof the said *C.* his daughter is intituled to
have dowry by law: In consideration whereof, and for so much as by
reason of the great trust & confidence which the said late *C.* did repose &
put in him the said *H. R.* the said agreement, promise & assumption, so as
aforesaid betwene them made, was so made secretly and privately be-
tween themselves only, without calling any other person or persons unto the
to be witnesses therof, which might testify the same agreement, promise, &
assumpti.

Assumption, that he is want of better proofe to prove the said premise
 assumption, this complainant hath no remedy to recover the same
 summe of 1000. l. by the due and strict course of the common lawes of
 this Realme, nor otherwise to recover the said summe of 1000. l. if
 the said A. C. in his answer to the premises upon his oath in this
 honourable Court, shall not confesse the premises to be true, as the
 Complainant verily thinketh that he will: It may therefore please
 your honorable Lordship, the premises considered, to grant unto this
 complainant, the Aduocates Petitions writ of Subpoena, to be direct-
 ed unto the said A. C. thereby commanding him at a certaine day,
 and under a certaine paine therein, by your good Lordship to be limi-
 ted, to be, and personally to appeere before your honorable Lordship,
 in her Petitions high Court of Chancerie, then and there to answer
 unto the premises, and to stand to, and abide such order and direction
 therein, as to your honorable Lordship shall seeme to stand with right,
 equitie, and good conscience. And your said orator shall daily pray
 to Almighty God &c.

*A Bill for entering into and detaining lands by colour of having evi-
 dence thereof, and for contriving secret estates.*

Sec. 79.

In most humble wise sheweth and complaineth to your honourable
 A. your said orator A. C. of ec. That whereas one A. C. late of W.
 also said equires deceased, about six yeres now last past was in his life
 time lawfully seised in his demesne as of fee, of, and in one parcell of
 meadow called the W. meadow, containing by estimation two acres ly-
 ing and being in W. in the said county of ec. And the said A. C. be-
 ing of all and singular the said premises seised, about five yeres now
 last passed of such estate thereof died seised. By & after whose death,
 all & singular the said premises descended & came, as the same of right
 ought to descend and come to your said Orator, as brother and next
 heire to the said A. C. whereupon your said Orator immediately after
 the death of the said A. C. entred into all and singular the said premis-
 ses, and was thereof lawfully seised in his demesne as of fee, and the
 issues and profits of all & singular the said premises, did receive, per-
 ceine, and take to his owne use, as lawfull was for him to do: But so
 it is right honorable Lord, that about three yeres now last past, all and
 singular the deeds, evidences, muniments, terrors, and writings, con-
 cerning the said premises, and of right belonging to your said Orator,
 by casual means are come to the hands and custody of C. B. and W.
 C. who by colour of having the said deeds, evidences, muniments,
 terrors, and writings in their hands, have not onely wrongfully en-
 tred into all & singular the said premises, & expelled and put out your

said

John ozatoz, of, and from the same, but also have contrived and made divers and sundry fained and secret states of the said premises, to divers persons to your said ozatoz unbeknowne, so that your said ozatoz knoweth not against whom to bring his action by the due order and course of the common laws of this realme, for the recovery of the said lands, meadowes, and premises, to the manifest dishonour of your said ozatoz, and his heires for ever, unlesse your godd L. accustomed favour and speedy redresse be unto him shewed in that behalfe, and for that your saide ozatoz knoweth not the certaine number of the saide heires, evidences, monuments, tecters, and writings, nor the true dates of them, nor wherein the same, nor any of them be contained, whether in bore, bagge, or chest locked, sealed, or open, he is also without his remedy by the due order & course of the common lawes of this realme, for the recovery of the said heires, evidences, monuments, tecters, and writings, unlesse your L. help and speedy remedy herein be to your said ozatoz extended: It may therefore please your honorable L. the premises considered, to grant unto your said ozatoz the D. majesties most gracious writ of Subpoena, to be directed to the saide C. B. and W. C. and either of them, commanding them and either of them thereby, at a certaine day, and under a certaine paine in the said writ to be limited and appointed, personally to be and appeere before your honorable L. in the D. high Court of Chancery, then and there to answer unto the said premises &c. And further to abide such order and direction therein, as to your godd L. shall seeme to stand with equity and good conscience. And your said ozatoz shall daily pray unto almighty God for the preservation of your honorable L. in good health long to continue.

A Bill that the Plaintiff was seised in fee of Copyhold lands, and agreed in consideration of money payable at certaine dayes, to lease the same to the defendant for yeares, as appeareth by articles, and that the defendant hath not paid the money, to the plaintiffs losse and discredit.

Humbly complaining, sheweth unto your honorable L. your said ozatoz J. S. of B. in the Countie of N. Gent. That whereas upon the vij. of Septem. in the 32. yeare of the raigne of the Queenes most excellent maiestie that now is, your said ozatoz and A. his wife, as in the right of the saide A. were, and yet be lawfully seised in their demesne as of fee, according to the custome of the manors of S. in the Countie of P. D. and in one messuage or tenement in E. within the Chappelry of B. in the Countie of P. then in the tenure or occupation of C. B. or of his assignes, And of divers lands, meadowes, pastures,

Seet. 80.

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pastures, commons, profits, and commodities with the appurtenances thereunto belonging. And they being thereof so seized, it was then concluded and agreed betwene your said dzatoz on thone partie, And J. P. and D. P. on the other partie, that your said dzatoz and his said wife within one yere then next ensuing, should surrender lawfully according to the said custom of the said manoz of S. and to convey vnto the said J. P. and D. P. their executozs and assignes the said tenement and premises to thuse of the said J. P. & D. P. their executozs and assignes, from the feast of S. Michael tharchangell, which shall be in the yere of our Lord God 1591. vnto the end and terme of seuen yeaes then next following, with sufficient cartbote, herbote, & hedgebote to be taken vpon the premises, and for the yearly rent of xij. d. to be paid for the same at two vsuall feasts in the yere, and that in consideration thereof, the said J. P. and D. P. did then covenant & promise, to pay vnto your saide dzatoz the summe of 55. l. of lawfull English money in manner and forme following: that is to say, at, & before the feast of S. Michael tharchangell now last past 40. pounds of lawfull English money, and at, & before the feast of S. Martin the Bishop now last past 15. l. thereof residue, as in and by certaine articles indented vnsealed thereof made betwene them, bearing date the said xviij. day of September, in the 32. yere aforesaid, amongst diuers other things plainly appereth: But now so it is, if it may please your honozable Lordship to vnderstand, that the said J. P. and D. P. their promises and assumption aforesaid not regarding, but imagining, and fraudulently intending your said dzatoz in that behalfe falsly and deceitfully to deceiue and defraud, the said 55. l. nor any peny thereof, though oftentimes by your said dzatoz gently required to make paiement thereof, according to th:ir promise and assumption aforesaid haue not paid, nor haue in any wise contented your saide dzatoz, by meanes whereof your said dzatoz hath not onely forborne and lost great gaines & profits, which he might haue gotten with the said 55. l. by lawfull bargaining, buying & selling, if the said J. P. and D. P. had paid the same, according to their promises, but also hath thereby bin greatly hindzed in his credite, to diuers persons to whom he was indebted, in seuerall summes of money, & vnto whom he your said dzatoz promised and became bound himself by obligation to haue paid the same, at diuers dayes now past, vpon hope of the fulfilling and perfozrance of their said promise, assumption, and agreement aforesaid, which is to the grievous losse and damage of your said dzatoz, and altogether against al right, equity, & good conscience: In tender consideration whereof, and so much as the said conclusion, promise, and agreement was so pzinatly and secretly made betwene your

said

said ozatoz, and the said J. Sp. & D. Sp. that no other persons were the present which can testifie the same, so that your said ozatoz for want of the proofe thereof, hath no remedy by the viual course of the common Lawes of this Realme to recouer the same, nor other wise, if they the said J. Sp. and D. Sp. in their answers to the premises in this honorable Court shall not confesse the truth of the premises to be, as is aforesaid, as your L. saide Ozatoz verely thinketh they will: It may therefore please your honourable Lordship, the premises gratioisly considered, to grant vnto your said ozatoz the Quens maiesties writt of Subpcena, to be directed vnto the said J. Sp. & D. Sp. thereby commanding them, & either of them, at a certaine day, and vnder a certain paine therein to be limited by your good L. to be, and personally to appear before your good L. in her Sp. most high court of Chancery, then and there to answer to the premises, & further to abide such order & direction therein, as to your good L. shall seem to stand with right, equity, and good conscience, & your said ozatoz shall daily pray vnto almightie God for the preseruation of your honoz in good health long to continue.

An Answer and demurrer to the same Bill.

The said defendants, and either of them making profession, and Sect. 81.
not any ways confessing any thing in the said Bill of Compt contained to be true, in such manner and forme, as in the same it is thereby set forth & Declared, do further say, that the same are altogether devised and contrived of malice, or set purpose, to put these said defendants to wiongful vexation, great trouble, & expences in the law for following of the same, as they are probably induced to thinke, and without anie iust ground or reasonable cause by them giuen vnto the said complainant so to do, in which respect, and so because that it evidently appeareth by the said Bill, that if the said complainants allegations were true in such manner and forme, as in the said bill they are set down and declared, as these def. verely thinke, and are surely perswaded they are not, the said compt hath good remedy, and ought to sue for the same by way of action, at, and by the common law of this realme, & not in this honorable court, as these def. & either of them take it. And so the other apparant insufficiencies in the said Bill of Compt contained, the said defend and either of them demurre in law, and demand iudgement, whether they shall make any further answer vnto the said insufficient bill of compt, and doe further pray to be dismissed out of this honorable Court, with their costs & charges, in this behalfe wiongfully sustained: And yet neuertheless, if the said defend, or either of them shall be compelled by the order of this Hon. Court, to make anie further or other

other answer to the said untrue & insufficient Bill of complaint: then they and either of them for the satisfaction of this honorable Court, in the truth of all the matters in the said bill most truly objected by the said compl against the said defen, for further and full answer thereunto, and for plaine declaration of the truth therein: They the said def. and either of them say, that true it is indeed, that there was a certaine speech or communication had between the said complainant and these said defendants for such a bargain to be had and made between them in such sort, for the lease & payments, as they are by the said bill alleged, the which said communication was then set downe in certaine articles bearing date, in the said complainants bill alleged. And it was then also most materiall, for these said defen. further covenanted and agreed on the part of the said compl that that said communication should be by him the said compl put in writing by deed indented, and according to the same be executed by sealing and deliuering thereof, as these said def. then did, and yet doe take it, and moreover, that the said compl and G. B. of C. in the Countie of D. Esquire should become bound ioynly and severally vnto the said defen. for the true performance of all and euery the said agreements, in the summe of 100. £. for the payment of the said summe of 100. £. in the said bill mentioned, being the first payment which they should haue made, the which said communication as the saide defendants did account it, was then set down in writing vnder the terme of articles of agreement, but yet neuer meant to conclude or bind the said bargain, vntill the same should haue bin ingrossed, sealed & deliuered, & the said obligat entered at the said compl costs and travell, as the said defen. haue euery taken it, and think the same will proue so in law, because it was referred to further writings more effectually in the law to be accomplished by the said compl, the which to doe, he neither yet hath, neither as it seemeth meant to performe, but rather to gaine the said defen. money, without any assurance thereof to be made vnto them, for that he hath not caused the said articles to be ingrossed, neither hath he and the said G. B. entered into bond to the said def. or either of the according to the said agreement, but wholly sought, if by any means he could, cunningly to possesse himselfe of the said summe of 55. £. or of so much thereof, as he could without any assurance making, or entring into bond to the said defendants (as aforesaid) to the great impoverishment of the said defendants, if the said complainants intent had taken effect, for which causes they the saide defendants thinke that the said complainant hath no iust cause of complaint, neither are they the said defendants or either of them bound, as they take it, to performe the said payments in the said bill expressed, without that, that the said agreement was pynately and secretly

secretly made betwene the said complainant, and the said defendants as in the said bill is most truly alleaged, or that the said defendants meant any fraud or guile, as likewise in the said bill is very slanderously pretended. And without that, that any other matter or thing in the saide Bill of complaint contained, materiall or effectuall in the law to be answered vnto, and in this their answer not sufficiently answered vnto, confessed, and auoided, trauesed, or denied, is true, all which matters, these defendants & either of them are ready to auerre and pprove as this Hon. Court shall award, and pray that they may be dismissed out of the said Court, with their reasonable costs and charges in that behalfe wrongfully, and without cause sustained.

The Replication of I. S. complainant, vnto the joint and severall answers and demurrers of I. M. and P. M. defendants.

The said complainant for replication saith, in all and euery thing and things, as he in his said bil of complaint hath said, & doth and doeth, iustitie, and maintaine his said bill of comp^t, & all and euery thing and things, clause, sentence, article, and allegation therein contained, to be good, iust, and true, certaine and sufficient in the law to be answered vnto by the said defendant, and deuised and exhibited into this Hon. Court, vpon good and iust cause of suit, as in and by the said bil is most truly set downe and disclosed: And not denied, imagined, and set forth by this complainant against the said defendants vpon make or set purpose, to put these defendants to wrongfull and vniuersall vexation, costs, charges and suite in law, without any good ground or cause so to doe, as in the said answer it is truly alleaged. But the saide complainant saith, that the answers of the said defendants are very vncertaine, untrue, and insufficient in the law to be replied vnto for diuers and manifest imperfections therein contained. Nevertheless, if by the order of this Hon. Court this complainant shall be compelled to make any further replication vnto the said vniuersall, vncertaine, and insufficient answers of the said defendants, then and not otherwise, the aduantage of exception, to the manifest uncertainty and insufficiency thereof to this complainant, at all and euery time and times hereafter saued, for further replication therevnto, with, as in the said bill of complaint he hath said, without that, that at the saide time of the making of the said agreement in the saide Bill in answer mentioned, it was further covenanted and agreed on the part of the said complainant, that the said communication should by the said complainant be put in writing by deed indented, and attorned to the law to be executed by sealing and delinerie thereof. *W^o that*

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this

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this complainant, and the said G. B. esquire in the said answer answered, should become bound loyally and severally unto the said defendant, for the true performance of all and every the said agreements in the summe of 140. l. in the said bill mentioned, being the first payment which they should have made, as in the said answer it is very truly alleged, with this, that this complainant doth and will avenge, and prove that the said communication in the said bill and answer mentioned, set downe under the forme of articles of agreement, was ever meant to conclude and bind the said bargain, the same not referred to any further ceremony of ingrossing, sealing, and delivery, or entering into the said obligation by the said complainant, or G. B. at the costs and travell of the foresaid complainant, and the said G. and this complainant also saith that the same agreement was then fully and absolutely made, and not referred to any such further writing more effectual in the law, to be fully accomplished by the said complainant, as in the said answer it is conjecturally and truly suggested, and without that, that this complainant, and the said G. B. or either of them have meant to gaine the said defendants money, without any assurance made of the tenelements in the said bill mentioned to the said defendants, or wholly sought by any means he could, cunningly to possesse himselfe of the said summe of 50. pounds, or of so much thereof as he could, without any assurance making, or entering into bond to the said defendants, as aforesaid, to the great impoverishment of these defendants, if the complainants intent had taken effect, as in the said answer is truly surmised. For this complainant saith, that ever since the making of the said bargain and agreement, he and the said G. B. have, and yet are ready to performe and doe, whatsoever they did then bargain and agree to doe, by the same articles, as unto this honourable Court, shall be truly and sufficiently proved; and this complainant also saith, that he hath in cause of complaint, and that the said defendants are bound to performe the said payments in the said bill of complaint mentioned, which he hopeth they shall be compelled to do, by the order of this honourable Court. And without that, that any other matter, thing or things, clause, sentence, article or allegation, in the said answer contained, materiall, or effectual in the law, to be replied unto, by this complaint, and not herein in this his replication by this complaint sufficiently replied unto, confessed and avowed, denied or traversed is true. All which matters this complainant is ready to averre and prove as this honourable Court shall award, and praieth as he in his saide Bill of complaint hath prayed.

A Bill for money lent without specialtie and witnes.

To the right honorable sir T. B. &c.

In most humble wise complaining, sheweth unto your honourable Sec. 83.
 Lordship, your daily Wator; L. C. of Althebourne, in the county of
 Dorset gentleman, That whereas your said Wator by way of prest,
 at the feast of P. in the 18. yere of the raigne of our Soueraigne L. a.
 Elizabeth by the grace of God, of England, France, and Ireland,
 Quene defendesse of the faith, &c. did deliver unto C. C. of A. in the
 countie of P. yeoman, the summe of 20. l. of currant English money,
 to be paid unto him your said Wator, at or befoze the feast of Saint
 Bar. the Apostle then next insuing: Now so it is, that although your
 said Wator hath many and sundry times required payment of the
 said 20. l. yet notwithstanding, he the said C. the same 20. l. to your
 said Wator hath not yet paid, to the great losse & hinderance of him
 your said Wator. And so because your said Wator hath not any spe-
 cialtie or witnes to proue the deliuerie of the said 20. l. he is therefore
 thus without remedy by order and course of the common Lawes of
 this realme, and is bitterly like to lose the said summe, contrary to all
 equity, good conscience, and true dealing, vnlesse your honorable L. sa-
 uing and lawfull aid be herein shewed. In tender consideration wher-
 of, may it please your honorable L. the premises considered, &c.

The Answer of the said Bill.

The said defendant saith, that the said Bill of complaint is verie Sec. 84.
 untrue and insufficient in the law to be answered unto, so diuers
 apparent matters therein contained, & that the same is deuised by the
 complainant, and exhibited into this honourable Court of mere
 malice and euill will, to thintent to put this defendant to great char-
 ges and expences, without any good matter, or iust cause, or colour of
 cause so to do: And that if the said supposed matter were true, as in-
 deed it is not, yet were the same determinable at and by the common
 law of this realme, and not in this H. Court, whereunto this defen-
 dant saith to be dismissed, with his reasonable costs and charges in
 this behalfe wrongfully sustained, without that, that the said com-
 plaintant by way of prest at the feast of Pentecost, in the said 23. yere
 of the Quenes most excellent raigne, or at any other time did deliver un-
 to the defendant the said summe of twenty pounds, to be paid unto
 him, or befoze the said feast of saint Bartholomew the Apostle, as
 in the said bill is supposed. And without that, that the said complainant
 many and sundry times required payment of the said twenty pounds,
 as in the said Bill is likewise untruely supposed. And without that,
 D. y. that

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that any other matter, thing, or things, clause, sentence, article, or allegation in the said bill contained materiall or effectuall in the Lawe to be answered vnto, & not herein in this his answer sufficiently confessed and avoided, denied or trauesed, is true. All which matters,

A Bill of detaining bonds and bills paid, praying an Injunction to stay suite thereupon.

To the right honourable Sir C.H. Knight of the noble order of the Garter, and Lord Chauncellor of England.

Sect. 85.

Humbly sheweth vnto your good L^o. J. L. of S. in le dale, in the countie of W. Esquier : That whereas your said Suppliant di- long sithence in his fathers life time at diuers severall times (the cer- tainty whereof your L^o. said W^o doth not now remember) vpon some occasion that he then had to vs more money then he had then in store, did borrow, & take to loane of one R. S. of S. in the said county of W. yeoman, diuers summes of money, vpon receipt whereof, your L^o. said Suppliant did alwaies deliuer vnto the said R. S. either sufficient Obligations of double the summe borrowed, or else his the said J. L. your L^o. said Suppliants single bill obligatorie, for repayment of all such summes of money as he then borrowed at such times as were then agreed vpon betwene them. And amongst the rest, your L^o. ships said W^o did about 20. yeres since, as he now remembreth, borrow of the said R. S. the summe of xx. l. for the repayment whereof at a certain day therefore then agreed vpon betwene them, your L^o. said Suppli- ant did then deliuer vnto the said R. S. his bill obligatorie for his suf- ficient assurance thereof, the which said 20. l. like as also all the other summes of money so borrowed by your L^o. said Suppliants is aforesaid, he the said J. L. your L^o. said Suppliant, hath most certainly now long sithence repaid vnto the said R. S. at such time as he the said R. was well therewith contented, as well in full discharge of the said bill Obli- gatorie of 20. l. as of all the other bonds & writings so entred into by your L^o. said Suppliant as is aforesaid : and in respect that he the said R. S. had not the said bill obligatorie for the said 20. l. ready to be can- celled and redelivered at the said repayment of the said 20. l. he the said R. S. did the very faithfully promise vnto him that made & said repay- ment, that he the said R. S. would assuredly cancel the said bill obliga- torie, whensoever the same should next come into his hands : But so it is, if it may please your good L^o. that the said R. S. hath lately put the said bill for the said xx. l. in suit, as your L^o. said Suppliant is credibly informed,

informed, meaning to be double paid for the said 20. l. in the said bill mentioned, against all equities and good conscience: In consideration whereof, and forasmuch as your L. said orator hath no remedy at the common Law, either to recover the said bill obligatory for the said summe of 20. l. from the said R. S. or otherwise to plead in discharge thereof. And forasmuch as the said R. S. hath divers other the said obligations and writings yet remaining in his hands, which are likewise satisfied, and which he hath promised to deliver unto your L. said suppliant at divers times now long thence passed, the which to doe, he hath hitherto not fulfilled, and in very good sort by your L. said orator, and his servants oftentimes required for like recovery or discharge whereof, your L. said suppliant standeth likewise destitute by the strict course of the common lawes. It may therefore please your good L. to award aswell the D. M. Maisties writ of Injunction, to be directed unto the saide R. S. and all and every of his Counsaillers, Attornies, Solicitors, and Factors, commanding them and every of them thereby at a certaine day, & under a certaine paine therein to be set down by your good L. no further to proceed in the suit upon the said 20. l. bill, untill your L. shall have taken further direction therein, as also the D. Maisties writ of Subpoena to be directed to the said R. S. commanding him thereby, &c.

A Bill to examine witnesses in perpetuam rei memoriam, touching a lease to be made in trust by the plaintiffs to the defendants.

To the right Honorable Sir C. H. Knight, Lord Chancellor of England.

I most humble wise complaining, sheweth unto your Honorable Lordship, your suppliant and daily orator W. B. of B. in the county of P. esquire: That whereas your said orator about five yeares now last past, was, and yet is lawfully seised in his demesne as of fee, of, & in one messuage or tenement called B. and of divers landes and grounds thereunto belonging, or with the same commonly used or occupied, lying and being within the Co. of P. in the County of P. and he being therof so seised, upon speciall trust & confidence which he then reposed in one W. C. of B. in the county of P. and P. his wife, by his deed sufficient in the law, did demise, grant, and to ferme let unto the said W. C. and P. his wife, when he the said P. was sole and unmarried, the said messuage, tenements, and premises, to have and to hold the same unto the said W. and P. from the end and expiration of one lease then enduring, and now ended, which the said

D. dy.

W. C.

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W. C. then had in the premises for the terme of 21. yeres thence next following, fully to be compleate and ended: which said lease was not only meant & intended to be to the vse of your said **Dzatoz**, but also at the time of the making hereof it was so declared and expessed, as well by your said **Dzatoz**, as by the said **W. & P.** in the presence of diuers witnesses, & not to the vse of the said **W. and P.** as your **Dzatoz** shall be able plainly to proue in this **H. Court**, which notwithstanding by the sinister perswasion, consuetarie, & procurement of one **W. L. of E.** in the county of **D. ycoman**, they the said **W. and P.** do challenge and claime the said lease to be to their own vse and behoefe, contrary to the foresaid trust so reposed by your said **Dzatoz** in the said **W. C. and P.** and contrary to the foresaid vse thereupon expessed, at the time of the sealing and deliery of the foresaid lease by your said **Dzatoz** vnto them as is aforesaid. And soasmuch as the foresaid lease in writing is absolute, without any vse expessed or declared in the deed of the same, And also seeing such witnesses as your said **Dzatoz** hath for the proue of the foresaid vse declared (at the time of the sealing and deliery of the foresaid lease) are now very aged & impotent, & not likely to liue long, and do inhabite and dwell within the county of **P.** and are not able to trauell to the city of London, & if they should chance to die before they be examined concerning the premises, then were your said **Dzatoz** without all remedy for proue of the foresaid vse and trust so by him reposed in the said **W. C. and P.** his wife, (except by your good **L.** it be granted vnto him, that he may haue a commission directed vnto such persons, as to your **L.** shalbe thought meet, inhabiting in the said county of **P.** for the examining of the foresaid witnesses, in perpetuam rei memoriam, for the proue of the foresaid vse and trust reposed by your said **Dzatoz** in the said **W. C. and P.**) May it therefore please your most honorable **L.** the premises graciously considered to grant to your said **Dzatoz** etc.

A Bill upon promise, safely to deliuer sheepe to the Plaintiff by one whose Executor the Defendant is, which Testator and Executor converted the said sheepe to their owne vse, with an answer to the said Bill and replication thereunto.

To the Queenes most excellent Maiestie, in her Highnes court of Chaucerie.

Memof. This direction is whens there is neither Lord Chancellor, nor Lord Keeper.

Sect. 87.

Humbly complaining, sheweth vnto your goodtie, your faithfull subject **W. P. of P.** in the county of **L.** gentlemā, that toberas about

about the month of Appill, which was in the yeare of our Lord God
 1590. one **H. S.** was lawfully possessed of 121. Ewes, and 12 r.
 Lambes as of his owne proper goods, & he being of them so possessed, as
 about the same time did sell the same vnto your Maiesties said subiect,
 for summe of 50. l. of lawfull English mouny or thereabouts to him
 paid by your said subiect: by force of which bargain your said subiect
 was of the said sheepe lawfully possessed, as of his owne pper goods, &
 he being therof so possessed, it was then agreed betwixen your said sub-
 iect, & the said **H. S.** & one **G. C.** of A. in the County of **H.** husbandman,
 that the said **H. S.** should deliuer the same sheep to the said **G. C.** to be
 safely kept by him to the vse of your said subiect, to be brought and de-
 liuered to your said subiect at your said subiect his dwelling house in
H. aforesaid, in the said countie of **L.** And thereupon the said
G. C. in consideration thereof, & in consideration of 40. s. to him by
 your said subiect to be paid at the deliuey of the said sheeps, in soyme
 shewesaid, did then assume vpon himselfe, and to your said subiect did
 faithfully promise, that if he said sheep were deliuered vnto him, accor-
 ding to the said agreement, that then he the said **G. C.** would wel and
 safely keepe the same, & bying & deliuer them, or cause the same to bee
 bought & deliuered vnto your said subiect at his said house in **H.** aforesaid,
 within a certain time after that hee should receiue the same: which
 time is long thence past. And your highnesse saide subiect further
 saith, that about the first day of March next ensuing the said agree-
 ment and promise, all the said sheeps were deliuered vnto the said **G.**
C. aforesaid, according to the said agreement. But so it is, if it
 may please your excellent Maiestie, that the said **G. C.** in his life time
 imagining & fraudulently intending, your said subiect in this behalfe
 truthfully & subtilly to defraud and deceiue, did not only not deliuer vnto
 your said subiect the said sheep, nor any of the, according to his saide
 faithfull promise & assumption: but contrariwise did take & conuert a
 great part of them to his owne pper vse, selling some of them to diuers
 persons to your said subiect unknowne for diuers summes of mouny, co-
 uerting the same to his owne vse, and killing sundrie other of them in
 his house. And shortly after made his last wil & Testament in writing,
 and thereof constituted one **R. C.** his brother his executour, and dyed
 possessed of the said residue of the sheep. After whose death the saide
R. C. proued the foresaid Testament, & also took vpon him the burthen
 & charge of the execution thereof, & by pretence thereof the said resi-
 due of the said firsescote & one Ewes, and firsescote & one Lambes, being
 about fourescore Ewes, & threescore Lambes, worth thirtie pound and
 above, came to the handes and possession of the said **R. C.** who ima-
 gining and fraudulently intending your saide subiect in this be-
 halfe

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halfe subtiltie of the saide sheepe to defraud and deceiue, hath in like maner sold the most part of the saide ewes and lambes, so comen to his hands & possession, to diuers persons to your saide subiect vnknowing, so: diuers summes of money betwene them agreed vpon, and the money thereof arising hath conuerted to his only vse and behoofe: and albeit your saide subiect hath diuers times comen vnto him the saide R. C. since the death of the saide G. C. gently requiring him either to deliuer vnto him your saide subiect such and so many of the saide sheepe, so as is aforesaid, comen into his hands and possession, or the value thereof, which very value of such other sheepe, as the saide G. C. had in his life time so as is aforesaid conuerted to his owne vse, yet the saide R. C. notwithstanding that after the death of the saide G. C. the goodes and chattells, which were the saide G. C. at the time of his death, sufficient both to discharge, pay, and perforce, all the debts and legacies of the saide G. C. and to satisfy your maiesties saide subiect of and for such, and so many of the saide sheepe as came to the hands of the saide G. C. and neuer came to the hands, custody, or possession of him the saide R. C. hath euer hitherto denied and refused, and yet doth deny and refuse to yeld vnto your saide subiect any satisfaction or any recompence at all, either for the saide sheepe, so as is aforesaid, conuerted to the onely vse, of the saide G. C. in his life time, so as is said, either conuerted to the vse of the aforesaid R. C. after the death of the saide G. or by him the saide R. C. vniustly detained and holden from your saide subiect, which vniust dealing of him & saide R. C. is to the greuous losse & damages of your saide subiect, and altogether against all right, equity, & good conscience. In tender consideration whereof, & so much as the saide promise of the saide G. C. so as is aforesaid made for the deliuerie of the saide sheepe, as is aforesaid, was so made in the presence & hearing of the saide R. C. and of certaine other witnesses, which be now all dead, but the saide R. C. in so much as for want of such promise as is requisite in that behalf, he your saide subiect is without al remedy either to recouer the saide sheepe, or any recompence for the same, either by the strict course of the common lawes of this Realme, or in this Hon. Court, otherwise then by the parties owne confession vpon his oath in this Hon. Court, which your saide subiect verely doth imagine and think that he will confesse to be in such sort, as is here aforesaid. It may therefore please yr.

The Answer of R. C. to the Bill next before.

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The saide defendant by protestation not acknowledging or confessing the matters in the saide bill of complaint contained to be true, in such maner & forme, as in the same they be set forth and alleged, saith,

saith, that the said bill of complaint is very untrue, incorrect, and insufficient in the same to be answered unto, and the matters therein contained are enviously devised, and unconscionably restrained, imagined and set forth, only of purpose to bring a molesty in to the complainant, and to put him to great trouble, expences, charges, and suit, and that without any iust cause, or good matter, as this defendant doth hope to make known unto this honourable court, hereafter shall be seen: the manner of execution to the injunctions, and uncertainty of the said bill of complaint, and all other advantages to this def. at all times hereafter taken, the said defendant so answer unto the said bill of complaint, that he doth not certainly know, neither is he as he thinketh compellable to take notice, whether one *D. S.* in the bill named, being about the moneth of April, in the year of our Lord God 1580. lawfully possessed of six score and one ewes, and six score and one lambs, as of his owne proper goods, did sell the same unto the said complainant for the summe of fiftie pounds, as in the said bill is suggested, or whether the said complainant, being lawfully possessed of the said sheepe, as of his owne proper goods by force of such bargain, there was made such agreement between the said complainant, and the said *D. S.* and one *C. C.* of *A.* in the County of *W.* for the delivery of the said sheepe to the said *C. C.* to be safely kept to the complainants use, and to be delivered to the complainant at his dwelling house in *W.* in the countie of *A.* as in the said bill is suggested, this defend as he thinketh, is not bound now to take notice, being then a stranger thereunto, or whether the said *C. C.* upon the former part of the insufficient consideration grounded upon the premises, or for, in, or upon the latter, being a lame blanke and imperfect, or rather no consideration, there making nihil compino to be by the said complainant paid unto the said *C. C.* did as same and faithfully promise unto the complainant safely to kepe and deliver the said sheepe, as in the said bill is alleged, but this defendant saith, that if the assumption be grounded upon any good consideration, then the compl might have his remedy at the common law, if he had any iust cause. And therefore this defendant, as he thinketh, might very well demurre in law upon the said bill, and demand judgement, if he shall be by this honourable Court compellable to answer the complainant any further. Nevertheless, soasmuch as this defend hopeth that the said complainant shall never be able to prove his subtill supposed suggestions in the said bill set forth, and alleged, so further answer unto the said bill, saith, that true it is, that the said *C. C.* in the said bill mentioned, made his last Will and Testament in writing, and thereof constituted this defendant his executor, and thereby without that, that the said *C. C.* in his life time, imagining, and scandalously

valently obtaining the said complainant in that behalfe craftily and subtilly to defraud and deceiue, did not onely, not deliuer vnto the said compe the said shepe, nor any of them, according to his said faithfull promise and assumption, but contrariwise did take & conuert a great part betwene to his owne proper vse; selling some of them to diuers persons to the said compe unknowne, for other summes of money, conuerting the same to his vse, and having some he purchased of them in his house, and did possess of the residue of the said shepe, as in the said Bill is veridically and vercharitably alleaged against the said W. C. being note to be so. For this defendant verily both thinke and imagine in his conscience, if such shepe were deliuered to the said W. C. to be kept and retained as is aforesaid, that then the said W. C. did in his lifetime well and truly deliuer the aforesaid shepe accordingly: without that, that after the death and departure of the aforesaid W. C. the possession of the said residue of the said shepe was one ewe, and sixe shepe and one lambe, being but the full number of foure shepe ewes, and three shepe, whiches worth thirty pounds and about, came to the hands and possession of the said R. C. now defendant, who imagining, and fraudulently intending the said complainant in that behalfe craftily and subtilly of the said shepe to defraud, and deceiue, hath in like manner sold most part of the said ewes and lambs to come to his hands and possession, to sundrie persons to the said complainant unknowne, for diuers summes of money betwene them theretore agreed vpon, and the money thereof arising, hath conuerted to his owne vse and behoofe, as in the said Bill of complaint is very falsly surmised, set forth and alleaged. And without that, that any other matter or thing in the said bill waterfall, to be answered vnto, and in this answer not sufficiently answered, confessed, and vnoied, trauesed, or denied, is true. All which matters, &c. and prayeth, &c.

The Replication of W. P. Complainant to the answer of R. C. Defendant.

Sect. 89.

The said complainant for replication saith in all and every thing and things, as he in the said bill of complaint hath said, and doth and will aueere, iustifie, maintaine, and proue his said bill of complaint in all and every matter, thing, and things therein contained to be good, iust, and true, certaine, & sufficient in the law to be answered vnto by the said defendant in such manner and soime, as they be in the said bill truly set forth and declared, and not enuiously deuised, nor fraudulently contriued, imagined, & set forth, onely of purpose to bar and molest this defendant vniuilly, and to put him to great trouble, expenses and charges of suit, and that without any iust cause, or good matter

as in the said answer it is by the said def. truly furnished. And this count further saith, that the said answer of the said defendt is very uncertaine, untrue, and insufficient in the law to be replied unto by this complainant, for diuers apparent faults and imperfections therein contained, And namely in this, that the said complainant, being in, and by the said bill of complaint, charged to haue had in his hands and possession, diuers of the said sheepe, in the said bill mentioned, both in his said answer neither confesse nor deny the having thereof, as by the said answer it appereth, so that in reason he ought to be compelled by the order of this honorable Court, to make a better and more certaine and perfect answer unto the said bill of complaint.ouertheleffe, this defendant sauing unto himselfe, at all times hereafter, all aduantage or exceptions to the manifest incertaintie and insufficiency of the said answer for further replication thereunto, also further saith, that the said consideration in the said bill of complaint contained, is very sufficient to maintain the said suit in this honorable Court, albeit that no other thing had bene departed with, on the part of this complainant, but only the credite and deliery of the said sheepe, unto the hands of the said C. C. and yet this complainant hopeth to proue, that there was giuen unto the said C. C. for and on the behalfe of the said complainant, very good matter of consideration for keeping and conueying of the said sheepe, as in the said bill is alleged. And further in this replication, and will also auerre and proue, that diuers of the said sheepe since the death of the said C. C. haue come to the hands and possession of the said defendt which haue been vnlawfully conuerthed to his owne use against all right, equity, and good conscience, without that, that as of other matter, thing or things, clause, sentence, article, or allegation in the said answer contained materiall or effectuall in the Law to be replied unto by this compl, and not herein before in this his replication sufficiently replied unto, confessed and auoided, denied or traversed, is true. All which matters this complainant is ready to auerre and proue as this honorable Court shall award. And prayeth as in his said bill hath prayed.

A Bill for a debt upon a contract without minnesse.
I most humble wise complaining, sheweth unto your Honor, your Honor and daily Prator, L. B. of C. in the countie of Darby Berrey, that where about two yeares now past, one T. C. of B. in the Countie of B. Gentleman, bought of your said Prator, twelve parcels of linen cloth, piece 22. S. and diuers other linens and merchanisises amounting in the whole to the value of xx. markes, or thereabout, for which import, the said T. C. earnestly required your said Prator to liberate him the said T. C. for the space of a month or thereabout, then

Seft. 90.

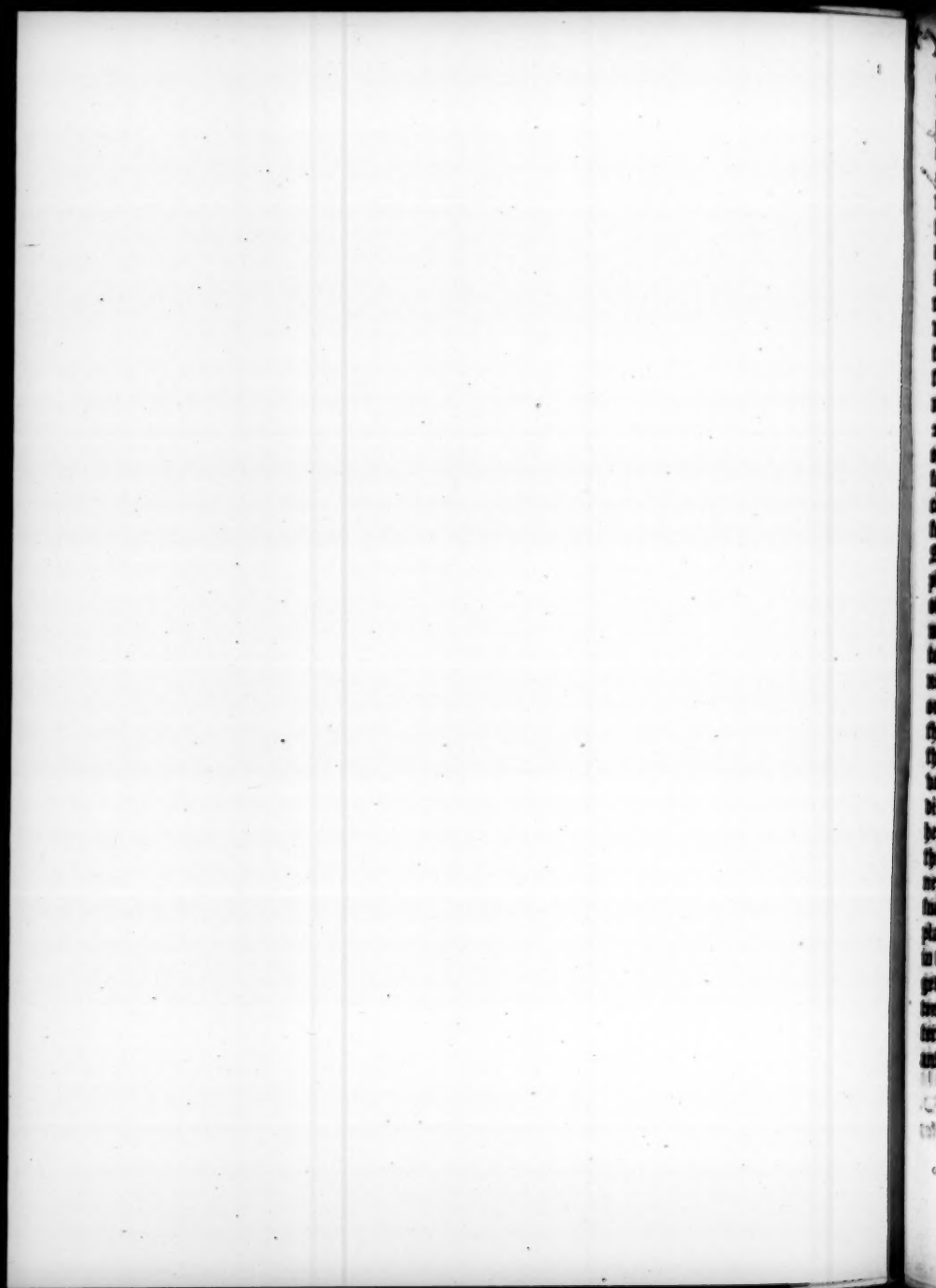
next.

whereof following. And so, the said T. C. did then faithfully assume and promise to pay the said debt, unto your said Debtor, at the month end, your said Debtor, trusting to his bare promise, delivered unto the said T. C. the said cloath, wares, and Merchandises, without taking any specialtie or other securitie for payment of the aforesaid money. And so it is, if may please your honorable L. y^e the said T. C. perceiving that your said Debtor can by no order of y^e common lawes of this Realme recover the said money for want of specialtie or without to procure the said assumption and contract being very lately by your said Debtor, requested to pay the said money according to his said promise, yet nevertheless the said T. C. hath plainly affirmed and avowed, that your said Debtor shall not have one penny thereof, which it thould to paye without reliefe to your Debtor herein, would turne to the great impoverishment and damage of your said Debtor, who hath suer many such debtors. In consideration whereof the premises tenderly considered, and so as much as your said Debtor is lawfully entitled to the recovery of the same by the strict iudgement of the common lawes of this Realme, for want of specialtie or otherwise as aforesaid: Pay it therefore please ec.

Sect. 91

The Answer and demurrer of the same.
The said defendant saith, that the said bill of complaint is very uncertaine, untrue, and insufficient in the law to be answered unto by this Court; being apparant matters and causes therein alleged, denied, and exhibited into this honorable Court, as this defendant thinketh by the sinister aduise and perswasion of S. C. Andries at the common lawe, of malice and euill will, to thintent to put this defend to vniuersall trouble & vexation, What hee the said S. C. thereby gaue? By solliciting of this said matter in this honorable Court, and not upon any iust cause so to doe. And further saith y^e said def. That if the said matters mentioned in the said bill of complaint were true, as they be not indeed, yet were the same determinable and to be determined, at, and by the common lawes of this Realme, and not by this honorable Court, wherunto this defendant praieth to be discharged with his reasonable costes and charges wrongfully incurred hereabouts. Whereupon if he this defendant bee compelled by this honorable Court to make any further answer unto the said uncertaine, untrue, and insufficient bill of complaint, Then (as he is now by the lawes) hee shall take advantage of exception, to the manifest inordinance & inconvenience of the said bill of complaint by this defendant alleged: For further answer thereunto, and for a full and plain declaration of the truth, touching the materiall contents of the said bill





of complaint (if any such be) he this defendant saith, That true it is indeede, that about thre yeares now last past, This said defendant or some of his servants to his vse, did receiue of this complainant ij. yards of linnen cloth, halfe an ell of cloth, one quarter and a halfe of cloth, and two skaines of thred which he thinketh to be parcell of the saide wares in the said bill mentioned, and supposed to bought by this defendant of the said complt, which said wares were so received by this defendant or to his vse, as is aforesaid, to thintent that this defendant should pay to the said complt, so much money for the same as should be reasonably agreed upon by this defendant, and the said complainant, which said bargain and agreement, this defendant is, and ever hitherto hath bene ready to haue perfojmed, without that, that the said defendant about two yeares now last past, did buy of the said complainant, the said twelue yards of linnen cloth, at, and for the said price of 33. s. or the said halfe elle of other cloth for the said price of ij. s. viij. d. or the said quarter and a halfe of other cloth, and two skains of thred for the said price of xviij. d. for he this defendant saith, that he and this complainant did neuer to his remembrance agree to any certain price for the said wares, as in the said bill of complaint is vntrely alleaged. And without that, that he this defendant did ever buy of this complainant, the said tenne yards of belnet, or any part thereof, or any other wares or marchandizes amounting in the whole to twentie marks, or for the paiement thereof, ever required the said complainant to beare him the saide defendant, for the space of one moneth then next following, as in the said bill is wrongfully alleaged. And without that, that he this defendant did faithfully assent & promise to pay the said debt vnto the said complainant at the said months end. And that the said complt, trusting the bare promise of this defendant, delivered vnto him this defendant, the said cloth, wares, beluet, and marchandise, as in the said bill is vntrely alleaged. And without that, that he this defendant perceiuing that this complainant can by no order of the common Lawes of this Realme, recouer any part of the said money, for want of specialtie or witnesse to pursue the said supposed assumption and contract, hath plainly affirmed, that he the said complainant shall not haue one peny thereof in such manner and forme as in the said bill of complaint is most vntrely and frauderously alleaged, without that, that any other matter or thing, things, clause, sentence, article, or allegation, in the said bill of complaint contained, material or effectual in the law to be answered vnto by this defendant, and not etc.

A Bill to be discharged off sundry bonds made by the Plaintiffe to diuers by the Def. meanes upon promise that they should not preiudice them, laying open diuers cunning and lewd practises to circumuent the Plaintiffe.

Humbly complaining theweth vnto your honorable Lo. your said
 orator J. P. of G. in the county of P. yeoman, That where
 as about 16. yeeres now last past, certaine debts, controuerſies, ſuits,
 and variouces did ariſe betwene one L. L. of C. in the County of P.
 yeoman, and your ſaid orator, and certaine other ſtreholders of the
 Lordſhip of Eccleſſell aforeſaid, concerning the incloſing, uſe, poſſeſſi-
 on, and occupation of certaine parcels of waſt or common ground cal-
 led K. in C. aforeſaid, wherein your ſaid orator and other ſtreholders,
 and all thoſe whole eſtate they then had, & yet haue in certaine lands
 in the ſaid Lo. by all the time, whereof there is no memorie of man to
 the contrary, haue vſed to haue common of paſture for their beaſts and
 caſtles, vpon the ſaid lands leuant & couchant at all times of the yeare,
 at their wills and pleaſures, as vnto their tenements beſoging, which
 parcels of waſt ground one P. S. eſquier beſore that time, had deu-
 ſed vnto the ſaid L. L. for certaine yeeres then induring ſo; paſſy-
 ing and ending of which ſaid ſuits and cōtrouerſies, and of ſuch ſuits
 and controuerſies, as were then betwene the ſaid L. and S. touching
 the ſaine and other things, your ſaid orator and L. D. and other of the
 ſtreholders aforeſaid, and the ſaid L. by the meanes and increaſe of
 the ſaid P. S. about the ſaid time did ſubmit themſelues to the order,
 arbitrement, and award of J. J. R. G. C. W. and C. W. touching the
 ſaid controuerſies, & to thend that the ſaid L. would be contented that
 the ſaid ſuits betwene him & the ſaid S. might rather by that meanes
 receiue a quiet end, then by extremitie of law, there being then great
 ſuits betwene the ſaid P. S. and L. which the ſaid L. would no other-
 wiſe compromiſe, your ſaid orator and the ſaid D. was bound vnto the
 ſaid L. in one obligat of 100. l. & vnto the ſaid P. S. in one other obli-
 gat of 100. l. ſo; perſormace of the ſaid award, the ſaid P. S. the pro-
 miſſing to your ſaid D. that within ſho;rt time after the making of the
 ſaid bond vnto him, he would haue cancelled or made void the ſaid
 bond of C. L. made by them vnto the ſaid P. S. the meaning of which
 bond your ſaid orator (bring a ſimple vnlearned man) thought to
 haue reached no further, but to act ſo haue bene done by himſelfe
 againſt the ſaid award, which he the rather ſo thought, becauſe the ſaid
 P. S. told him ſo, or to that effect, and they were onely ſo agreed to
 haue the condition thereof made beſore the making thereof. And the
 ſaid L. was alſo bound in 100. l. vnto your ſaid orator, & the ſaid D.

in the performance of this part of the said award, And afterwards,
 in about the 11. yeere of the raigne of the Q. Maieesty that now is,
 the said arbitratoz made an award of the premises, that the said L.
 should haue inclosed the said grounds, during such terme as he then
 had therein by the demise of the said P. & by Indenture without
 opinion of your said Oratoz the said W. D. and other freeholders of
 the said Co. of C. by meanes of which award the said L. enioyed the
 premises ever since the making thereof accordingly, without anie
 violation of the said W. or your said Oratoz, or any other the freehol-
 ders of C. as of said, untill such time as the said L. caused the said pre-
 mises to be purchased or taken by lease, as lands concealed, & with-
 holden from her Maieesty, and thereupon caused suiters to be
 commenced against diuers of the said freeholders by information in
 the Ex. of intrusion supposed to be done by them into the said premis-
 ses, which suit so long continued, that a verdict and iudgement therein
 was had for the said freeholders, whereby their title to the said common
 being then in issue, was specially found, as by the recozds thereof re-
 maining in the said court it plainly appereth, whereupon some of the
 said freeholders (as this comyt thinketh) entred into the said premis-
 ses being unsenced. And thereupon the said L. commenced suit vpon
 the said bond of 100. l. against your said Oratoz and the said W. albeit
 the same was interrupted by his possession in the said premises, & the said
 W. and your said Oratoz for their indemnity likewise prosecuted
 suit vpon their bond of 100. l. because the said L. in his part had not
 performed the said award, by meanes whereof your said Oratoz, & the
 said W. obtained a verdict & iudgement against the said L. for the said
 C. L. his said suit against them depending vntill, whereupon the
 said L. seeing how vniuallly he had dealt with the said W. and your said
 Oratoz about the premises perceiuing in what reoperdy he stood, and
 how in equity he ought not to haue recovered any thing against your
 said Oratoz and the said W. by his said bond, nor haue had any reliefe
 for the said C. L. so by them recovered against him, he the said L. mo-
 ued your said Oratoz & the said W. by friendly meanes to come to ag-
 reement with him for the said C. L. so recovered against him, whereupon
 the said W. & your said Oratoz iniding a generall quietnes for al such
 matters concerning the said premises, at the great & importunate
 suit of the said L. & by the mediatio of certain honest men their friends,
 vpon a faithful promise of the said L. that he the said L. would waite at
 law your said Oratoz against the said P. & for his said bond vntill C.
 comes, allagging that P. & had no cause to sue the same, and that if
 he had, yet because the matter of the said bond principally concerned
 the said L. (as it did indeed) that if your said Oratoz agreed with
 him.

him for the premises, that the said P. S. neither could nor would
hurt him by reason of his said bond, the said indgement for the said C.
L. was released unto the said L. by your said W. atoz having none o-
ther consideration therfore, then his said promise of quietnesse & dis-
charge of the said P. S. his said bond. Neuerthelesse, not long after
the said agreement, the said L. perceiuing himselfe to be discharged of
the said indgement, and intending the utter vndoing of your said W.
atoz, contrary to his said promise, practised with the said P. S. touch-
ing the said bond by him & the said W. made vnto the said S. & procured
the same to be put in suit against them in the R. maiesties bench. Al-
beit the said P. S. had neuer any losse by reason of any act done against
the said bond to the value of one peny, since which suit the said P. S.
and W. haue secretly growne to agreement betwene themselves, to
thintent to lay the whole penalty of the said bond vpon your said W.
atoz, notwithstanding the said faithfull promise of the said P. S. to be-
lieue in the said bond to be cancelled, & the said L. his promise was to
saue your said W. atoz harmelesse against the said P. S. for the same.
Albeit the said P. S. neuer had any losse or hindrance by reason of the
premises, by meanes of your said W. atoz, neither was any thing at-
tempted or done by the said freeholders against the said L. contrary
to the said award, otherwise then by the consent of the said P. S. who
moued or procured the said freeholders to entrie into bond one to an-
other, to beare the charges of suites for the defence of their said title
common in the said severall parcels of ground, called A. and B. pro-
mising them his aid and furtherance therein, vnto some of which
bonds the said P. S. hath subscribed his owne name as a witness of
the deliuey thereof, which their hard dealings against your said W.
atoz in the premises, are much against al right, equity, and conscience,
to the utter impoverishment & vndoing of your said W. atoz, his pay-
wife & childzen, wherefore the premises graciously considered, and for
asmuch as, aswel the said premises & agreements of the said P. S. with
your said W. atoz, & the said W. and the said practise had betwene y^e said
P. S. and the said L. to put the said bond in suit, as also the said agree-
ment made by the said P. S. & the said W. for staying of his said suit a-
gainst the said W. and also the said promise or agreement of the said L.
to saue your said W. atoz harmelesse against the said P. S. for the said
bond was secretly made amongst themselves, & for that your said W.
atoz trusting y^e they would faithfully haue performed the same to your
said W. atoz, called no witness to be present to beare the same promise
made, & therefore is not able to produce any witness to testify the pre-
mises, nor hath any meanes to proue the same, other then by the o-
athes of the said P. S. and L. who he verely thinketh will in their
answers

answers to the premisses confesse the same : *May it therefore please your Lordship, of your accustomed goodnesse, to grant vnto your said W^{at}or the Quenes maiesties most gracious W^{rit} of Subpoena, to be directed to the said J. S. and L. L. and to either of them, thereby commaunding them, &c.*

A Bill for practising with the Plaintifes wife, to receiue of her the plaintifes goods, and for receipt and detaining thereof.

Humbly complaining, sheweth vnto your good Lordship, your Sect. 93.
daily W^{at}or L. J. of S. in the countie of S. Gent^r, That where-
as, about foure or five yeres past, your W^{at}or being possessed of di-
uers gods, and diuers summes of mone, to a great balew, to the end
that C. C. of W^{it}. in the saide Countie of S. S. his wife, and A. their
daughter, now the wife of J. P. of P. in the saide Countie yeoman
might the better bzing to passe, indirectly to gaine and get into their
or some of their custodics and possession, all, or the most part of the said
mone and gods, and by that meanes defraud or defeate your W^{at}or
thereof, by continuall & sinister practise, instigation, & perswasion, then
allured, prouoked, and enticed A. J. deceased, being then your W^{at}ors
wife, to grow to some discord and variance with him, & to elioine and
conuey into their, or some of their keeping, all, or the most part of the
said mone or gods, promising that the same should be ready, and bled
hither vnto and behou^r: Now so it is, if it may please your good L. that
by the said lewd and bad practises of the said C. S. and A. P. and of di-
uers other persons by their means, whose names your W^{at}or know-
eth not, your W^{at}ors said wife about foure or five yeres since, and
at sundry times befoze, did with violence breake open some part of
your W^{at}ors house at S. aforesaid, his chests there being locked, & did
steale, keale, imbeaill, or conuey away from your W^{at}or severall
summes of mone, and diuers parcels of his gods and household stuffe,
aswell in the night season, as in the day time, to a very great value,
the certaintie whereof your W^{at}or knoweth not, but is induced by
good reason to beleue, that it doth amount vnto the summe of 100. l.
at the least, and deliuered or caused the same to be deliuered vnto the
custodie and possession of the said C. C. and S. his wife, or A. their
daughter, or of some other person or persons, by their, or some of their
meanes or consents, whereof your W^{at}or by some good meanes ha-
uing had intelligence, hath sundry times bled speech and communi-
cation with the said C. S. and A. P. touching the same; and in most
gentle and friendly maner requited to haue the saide mone and
gods so elioined and imbeailled, as aforesaid, to be to him restozed, or
else to haue some recompence for the same, but they haue vtterly re-

Supplications, Bills,

used to do either the one or the other, and do still refuse to do the same, and do conuert and dispose the said money and goods to their own uses, whereby your orator shall be bitterly thereof defeated, to his great hinderance and impoverishment, contrary to all equitie and good conscience, vnles by your L. saue he may be relieved in this most honorable Court. Forasmuch therefore as your orator knoweth not the names or number of the said confederats, nor the severall and certaine times wherein the said money and goods were conveyed away from him, as aforesaid, nor the quantity, nature, or value of them, whereby to make any lawfull demand, or to vse any action by the strict course of the common lawes of this Realme, against them the said C. C. and A. P. or any other their confederats, so these great iniuries and wrongs, as aforesaid, but that the truth and certainty of all these matters doe rest in the private & proper notice of the said C. C. and A. P. his wife, and A. their daughter, or of some one of them, who no doubt vpon their copposall oaths wil disclose & set downe the truth and certainty of all these matters: May it therfore please your honorable L. to grant vnto your orator the D. maiesties gracious writ of Subpoena to be directed, &c.

The Answer to the same.

Sect. 94.

The said defendants say, that the said bill of complaint against the exhibited into this Honorable court, is very incertaine, vntrue, and insufficient in the law to be answered vnto by the said defendants, or any of them, so diuers and sundry apparent faults and imperfections therein contained and deuised, & exhibited into this H. court, partly of malice and euil wil, without iust cause conceived against the said C. C. one of these defendants, to the intent thereby to vex and molest him, and his said wife and daughter, with vniust trauel and expences, but chiefly to the intent & purpose to wearie, impoverish, and terrifie him this def. with such suites, so that he shall neither be able nor willing to prosecute the law against him the said compl. so diuers great summes of money which he oweth vnto him the said C. C. this defend, and vniustly detaineth from him, and not so any good or iust cause of suit: neuertheless, if by the order of this honorable court these defend shall be enforced to make any further or other answer to the said incertaine, vntrue, and insufficient bill of complaint, then, & not other wise, all advantage of exception, to the manifest incertainty and insufficiency of the said bill of compl. to these defendants, and euery of them, at all and euery time and times hereafter saued. For further answer thereto, and so a full and plaine declaration of the truth of the premises, The def. say, and euery one of them saith, that neither they, nor any

of

of them by continual and sinister practife, instigation, & perswasion, did not at any time allure, pꝛomoke, & intice A. 3. deceased, then wife of the said complainant, to grow to some discorde with the said complainant, and to esloine and conuey into their, oꝛ any of their keeping, all, oꝛ any of the said money and goods, in the said bill of complaint mentioned, pꝛomising that the same should be ready, and vsed foꝛ her vse and behoofe, to the end that they these def. oꝛ any of them, might the better bꝛing to passe indirectly to gaine oꝛ get into their custodie and possession, all, oꝛ the most part of the said money and goods, and by that means to defeat and defraud the said complainants thereof, as in the said bill of complaint is very slanderously, and most vntꝛuly alleaged: And these defendants further say, and euery of them saith, that the said late wife of the said complainant did neuer with violence bꝛeak open some part of the said complainants said house at S. in the said bill mentioned, noꝛ his said chests there being locked, noꝛ did esloine, imbeasill, oꝛ conuey away from the said complaint, seuerall, oꝛ any summe oꝛ summes of money, and viuers, oꝛ any parcell of his goods, oꝛ household stuffe, either in the night season oꝛ in the day time, by the practife of these def. oꝛ any of them, oꝛ of any other person oꝛ persons, by their oꝛ any of their means, as in the said bill of complaint is likewise very maliciously and vntꝛuly suggested, without that, that the saide wife of the said complainant euer refused, oꝛ cause to be deliuered the said money and goods in the said bill of complaint mentioned, oꝛ any part thereof, vnto the custody and possession of these defendants, oꝛ of some of them, oꝛ of any other person oꝛ persons, by their, oꝛ some of their meanes oꝛ consents, as in the said bill of complaint is also vntꝛuly alleaged: And without that, that euer there was any cause why the said complainant did, oꝛ should vse anie such speech and communication with these defendants, oꝛ any of them touching the pꝛemisses, oꝛ require to haue the said money and goods supposed to be esloined oꝛ imbeasilled, to be to him restozed, oꝛ to haue some recompence foꝛ the same, oꝛ that these defendants, oꝛ any of them doe conuert and dispose the said money and goods, oꝛ any part thereof, to their, oꝛ any of their owne vses, whereby the said complainant shall be utterly thereof defeated, to his great hinderance and impouerishment, contrary to all right, equitie, and good conscience, as in the saide bill of complaint is likewise vntꝛuly suggested: And without that, that any other matter, thing, oꝛ things, clause, sentence, article, oꝛ allegation in the said bill of complaint contained, materiall oꝛ effectuall in the law to be answered vnto, by these defendants, oꝛ any of them, and not here in this their answers sufficiently answered vnto, confessed, and aoided, denied, oꝛ transtered, is true. All which matters, &c.

Et. ij.

The

Supplications, Bills,

The Replication to the Answer next before.

Sect. 95.

The said complainant for and by way of replication saith, That his said Bill of complaint, exhibited against these Defendants into this most honorable Court, is very certain, true, & sufficient in the law to be answered unto, and not deuised & exhibited into his most honorable Court, of malice & euill will, without cause conceiued against the said C. C. one of the said defendants, to thintent thereby to bere and molest him his said wife and daughter with vniust trauel & expences, as in the said answers is vntroly alleaged. For this fly to thintent and purpose so to weary and impouerish & terrifie the said C. C. with such suites, that he should neither be able nor willing to prosecute the Law against the said complainant, for diuers great summes of money, which he both owe vnto him the said C. C. and vniustly detaineth from him, but is exhibited vpon iust cause of suit, as the said complainant doubteith not to make manifest and pꝛoue vnto this honorable Court, with that, that the said def. or some one of the, by sinister practise, instigation, and perswasion, did allure, pꝛouoke, and intice the said compl. wife to grow to some discord with the said complainant, and to esioine & cōey into their, or some, or one of their keepings, the said money and goods, in the said bill of complaint mentioned, promising that the same should be ready, and vsed for her vse and behoofe, to the end that they might the better bying to passe, indirectly to gaine or get into their, or some, or one of their custodie & possession the said money and goods, & by that meanes to defeat and defraud the said complaints thereof, as in the said bill of complaint is verie truly alleaged. And also with that, that the saide complainants wife did with violence byak open some part of the said complainants house at S. in the saide bill mentioned and his said chist there being locked, did esioine, steale, imbeasill, and cōey away from the said complainant seuerall summes of money, and diuers parcels of his goods and household stufte in the night season, and in the day time, by the practise of the said def. or some, or one of them, or of some other pson or psons, by their, or some, or one of their means, as in the same bill of complaint in likewise verie truly declared: And with that, that the said complainants wife did deliuer or cause to bee deliuered the said money & goods, in the said bill of complaint mentioned, vnto the custodie and possession of the said def. or of some or one of them, or of some other pson or psons, by their, or some, or one of their means or consent, as likewise in the said bill of complaint is most truly alleaged: And without that, that there was cause why the said complainant should vse spech & communication wth the said defendants, or some, or one of them touching & promises, & require to haue & said money & goods esioined & imbeasilled to be to him restored, or to haue some recom

recourence for the same. And that the said defendants, or some, or one of them do conuert and dispose the said money & goods, to their, or some, or one of their uses, whereby the said complainant shall be utterly defeated thereof, to his great hinderance, as in the said bill of complaint is likewise most truly alleaged: without that, that any other matter, cause, or thing, materiall or effectuall in the said answers contained, to be by the said complainant replied vnto, and herein not sufficiently replied vnto, confessed, and avoided, &c.

A Bill for that the Defendants haue got the Plaintifes bill for payment of money by them into their hands, and thereby meane to defraud him of the same.

Humbly complaining, sheweth vnto your good L. your daily orator Sect. 96.
 H. T. of L. in the countie of D. yeoman, That whereas about two yeeres now last past, your said orator did sell vnto one J. G. G. W. P. L. alias S. and K. V. fourre oxen and thre kine, for fourteen pounds of lawfull english money: and at the same time made vnto your said orator a bill of their hands for the payment thereof, at the least of S. Michaell tharchangell last past. But now so it is, if it may please your lordship, that the said bill of riig. l. is by casual meanes come vnto the hands and possession of the said J. G. G. W. P. L. alias S. and K. V. or of some of them, who haue cancelled and defaced the same bill. And therefore, albeit they haue ben diuers times gently required by your said orator to pay vnto him the said riig. l. so to him due, yet that to doe, they and enery of them haue hitherto denied and refused, and yet do deny and refuse to do the same, against all right, equitie, & good conscience. In due consideration whereof, and for that your said orator hath no remedy to recover the said riig. l. without the said bill, by the common lawes of this Realme: Pray it therefore please your good lordship, &c.

A Bill for wrongfull entring into Copyhold lands intailed, detaining of them, and of the writings of the same, for wasting the same, and contriuing secret estates thereof.

In most humble wise sheweth vnto your good Lo. your daily orator Sect. 97.
 I. S. of D. in the countie of D. That whereas one T. C. father vnto your said orator, was in his life time lawfully seised in his demesne as of fee taile, to him and to his heires males of his body lawfully begotten, of, and in one messuage or tenement with thappurtenances, situate, lying, & being in W. in the saide County of D. And was likewise seised to him and the heires males of his body lawfully begotten, of, and in foure cottages, thre closes or pastures, and eight acres of arable

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arrable land with their appurtenances, lying & being in **M.** aforesaid, being customarie lands, and holden of the **M.** maiestie, as of her highnesse maner of **M.** aforesaid, at the will of the **L.**ord, according to the custome of the said maner: and the said **M.** being of all and singular the premises, with their and every of their appurtenances so seised, as aforesaid, of such estate, died thereof seised. By and after whose death all & singular the premises, with their appurtenances, did descend vnto **H.** as sonne & next heire male of the body of the said **M.** by force & vertue whereof, the said **H.** entred into all & singular the said premises with their appurtenances, & was thereof lawfully seised to him and the heires males of his body lawfully begotten. And he so being thereof seised, of such an estate died seised: by and after whose death, all and singular the said premises, with their appurtenances, did descend and come to **M.** as son and next heire male of the body of the said **H.** by force whereof, he the said **M.** entred into all & singular the said premises, & was thereof lawfully seised in his demesne, as of fee taile, to him and the heires males of his body lawfully begotten. And he the said **C.** so being thereof seised, of such an estate died seised, without any issue male of his body: by and after death, all and singular the said premises with their appurtenances did descend & come vnto your said ozatoz, as brother and next heire male of the said **M.** & **H.** But now so it is, if it may please your good **L.** that aswell the said deed of intaile, and all other the deeds, evidences, escripts, writings, & muniments, manifesting, seising, defending, & prouing the estate, right, interest, & title of your said ozatoz, of, in, & to the said premises, are by some casual or sinister means comen into the hands, custody, or possession of one **R.** **M.** and **C.** his wife, **M.** **C.** and **A.** his wife, **J.** **D.** and **J.** **M.** or some of the, who by colour thereof haue entred into the said premises, & receiued, perceiued, and taken the issues, profits & commodities thereof, and conuerted the same to their owne proper vses and behoofes, without yielding any consideration or recompence to your said ozatoz for the same: And yet not so contented, but they the said **R.** **C.** **M.** **A.** **J.** and **J.** by colour of hauing the said deeds, evidences, escripts, writings and muniments, haue not only made great strep and wast of the premises, but also contriued & made to themselves, & to other persons vnknoone to your said ozatoz, diuers & sundry secret estates & conueiances of the premises, to the plaine disinherison of your said **D.** contrary to all right, equity, and good conscience. And although your said **D.** hath diuers and sundry times by himself and his friends requested the said **R.** **C.** **M.** & **C.** his wife, **M.** **C.** & **A.** his wife, **J.** **D.** and **J.** **M.** & every of them to paye by the quiet possession of the premises, and to deliuer vnto your said ozatoz the said deeds, evidences, escripts, writings, and muniments,

yet they and euerie of them, so to do, haue bitterly refused & denied, and will do deny and refuse, contrary to all right, equity, and good conscience. In tender consideration whereof, and soasmuch as your said Oratoz knoweth not the contents nor certain dates of the said deeds, evidences, scriptures, writings, & muniments, nor whether they be contained in bagge or bore sealed, in chest or cupbord locked. And therefore is at, and by the strict course of the common law of this Realme remediable for the recovery of the same. Whay it therefore &c.

A Bill for detaining of an Indenture of lease for yeares.

Humbly complaining sheweth unto your hon. A. your daily Oratoz Sect. 98.
J. B. of **P.** in the parish of **A.** in the county of **P.** Esq. & **M. B.** son and heire apparent of the said **J. B.** that whereas your said Oratoz the 2. day of July, in the 8. yeere of the raigne of our soueraigne Lady the **M.** maiesty that now is, did demise and to ferme let unto one **K. P.** of **B.** in the said county yeoman, al his moity, or one halfe of his mesuage or tenement called **D.** with all the lands, meadowes, closes, pastures, and commons unto the same belonging, or in any wise appertaining, from the feast of **S. M.** the Bishop last past, befoze the date abovesaid, unto the full end and terme of 18. yeeres then next insuing, fully to be compleate and ended. By vertue of which demise afozesaid, **K. P.** into the mesuage or tenement afozesaid, did enter, as was lawfull for him to do. And now sithence the making of the lease afozesaid, the said **K. P.** disoften repaire & come to the house of the said **J. B.** & by that means in short time became very familiar with the said **J.** insomuch that he the said **J.** being aged, and by reason thereof also lieth bedriden, and hath done for the space of many yeeres. And finding the said **P.** to be very diligent and carefull about him the said **J.** for the recovery of his health, did so affect the saide **P.** as that he did wholly commit the custody and keeping of al his evidences, leases, bonds, and bills, amongst which the counterpain of the said **P.** his lease was. And vnles the said **P.** together with some of your said Oratozs servants haue secretly co- uenied and taken it away, as your said Oratoz doth vehemently suspect, in that he wanteth the same lease: by reason whereof he neither knoweth what conditions are contained in the same, neither what penaltie, if the rent be behind, or whether there be any distresse for not payment of the rent, or else whether the lease be bitterly boide, if the rent be not paid at a certaine day, & what other couenants it containeth for prohibiting of wast to be done, as also for repairing of the mesuage or tenement afozesaid with needfull reparations, with diuers other couenants to many good purposes specified in the same lease. And for that also that the said counterpain is by some such indirect means as befoze is allea- ged, come to the hands of the said **P.** as also for that your Oratoz through
 C. iiij. want

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want thereof by the strict course of the common lawes of this land can not duly punish the breach of all, or any the covenants therein expressed, which on the said *W.* his part ought to have bene performed and kept, so want of the said counterpaine. *W.* pay it therefore please your good Lordship, &c.

A Bill for money for boarding with one, whose Executor the Plaintiffe is.

Sect. 99.

Humbly complaining, sheweth unto your honorable Lordship, your daily orator *D. C. of B.* in the countie of *D.* yeoman, executor of the last will and testament of *D. C.* his father. That whereas about the first day of June, which was in the 18. yere of the raigne of our most gracious soueraigne Lady the *Queenes* most excellent majesty that now is, one *W. S.* of *W.* in the said countie yeoman, at *B.* aforesaid, did put himselfe and *A.* then his wife to board with the said *D. C.* the testator, and there to remaine so long with the said testator, as it should please both the said parties, and the said *W. S.* in consideration thereof, there faithfully agreed to pay and satisfie for the same unto the said *D. C.* the testator or his executors, during such time as he and his said wife should remaine at board with the said testator, so much lawfull English money, as the said boarding should be reasonably worth and at such time as hee should be thereunto required. By vertue of which putting to board, agreement, and faithfull promise, the said *W. S.* and *A.* his wife were at board with the said testator by the space of three whole yeares, or thereabouts, during all which time the said testator at his owne costs and charges did find unto the said *W. S.* and *A.* convenient and necessarie meate, drinke, and lodging, and at sundry times hay and grasse for the horses of the said *W. S.* which boarding, hay, & grasse, by the said space of three yeares aforesaid, was reasonably worth 40. l. at least. Yet the said *W. S.* not ignorant of the premises, nor regarding his said faithfull agreement & promise, but imagining and fraudulently intending the said *D. C.* the testator, & your said orator his executor in this behalfe craftily and deceitfully to deceive and defraud: albeit he hath bin oftentimes thereunto gently required by the said testator in his life time, and by your said orator his executor after his death, hath not paid or satisfied any thing unto the said testator in his life time, nor unto your aforesaid orator after his decease for the same boarding, meate, drinke, and lodging during the aforesaid time, that he & his said wife so remained at board with the said testator, according to his said faithfull promise and agreement, but hath ever hitherto denied and refused therefore to satisfie and pay the said testator in his life time, and your said orator after his death,

and

and yet both deny and refuse to pay and satisfy your said ozatoz for the same, against all right, equitie, and good conscience, and to the hindrance of the execution of the said last will and testament of the said testatoz. In consideration whereof, and sozsomuch as your said ozatoz hath none ordinarie remedie to reconer any thing for the saide wrong; and premises by the strict course of the common Lawes of this our Realme of England, aswell for that it was not certainly agreed upon betwene the said W. and the said Testatoz, how much the said W. should yield for the same: as also for that the said Testatoz did so much credite the said W. that the saide promise and agreement was ppiately made betwene themselves, no person being thereunto called that might witnesse the same, so that if happily the said W. wil not upon his oath in his answer hereunto in this honorable Court, confesse the said promise and agreement, as your said Wzatoz verily thinke he will, your saide Wzatoz is utterly destitute of witnesses to make proof thereof. Albeit that it be most true, that the saide agreement and promise, was made and agreed upon, as is aforesaid, which your said Wzatoz hath sundry times heard the said Testatoz say and declare: May it please your good L. to grant vnto your said Wzatoz &c.

A Bill for not entring into bond to saue a suretie harmelesse according to promise.

If most humble wise complaining, sheweth vnto your Honor your Sec. 1007
 I daily ozatoz R. P. of W. in the county of S. yeoman, That where-
 as one J. L. of S. in the said countie of S. yeoman, did borrow of one
 A. B. of S. in the said county of S. gentleman, the summe of seven-
 tene pounds and twelue shillings, of good and lawfull mony of Eng-
 land, to, and for the onely vse of him the said J. L. and of one K. L. of
 B. in the said countie of S. yeoman, kinsman to the foresaid J. L. and
 for the true discharging and payment of the foresaid summe of seven-
 tene pounds, and twelue shillings, because the said K. L. was a man
 esteemed to be of very small credit, and altogether unknowne vnto the
 said A. B. therefore the foresaid K. L. earnestly requested, and desired
 of your said Wzatoz, being his nere neighbour, and of very long ac-
 quaintance and familiaritie with him, to enter into bod with him the
 said J. L. to the said A. B. for the true payment, and satisfaction of the
 foresaid summe of 17. l. and 12. shillings, and if in case your said Wza-
 toz would enter into bond for him, then he the said K. L. did faithfully
 promise and affirme vnto your saide Wzatoz to enter into a counter-
 bond of double value to his bond, vnto your said Wzatoz to discharge,
 and saue him harmelesse against the saide A. B. his executors, and
 administrators, of, and from all manner of actions, suites, arrestes,

quat.

quarrells, troubles, molestations, and incumbrances whatsoener, which should or might arise by reason or meanes of the said obligation: whercupon your sozesaide orator (considering the great want and neede that the sozesaide R. L. did at that time stand in) trusting to his faire speeches and promises, after long intreatie and request to him made, your said orator did consent and agree to become bounden with the said J. L. to the sozesaide A. B. for the payment of the said summe of xvij. pounds xij. shillings, so that your said orator might have such a counterbond from the said R. L. to discharge and save him harmlesse against the said A. B. for, and concerning the said bond, after which time, that is to say, the 25. day of March, in the 29. yere of the raigne of our soveraigne Lady the Q. maiestie that now is, The said J. L. & your said orator by their wryting obligatorye, became bound to the said A. B. in the summe of xl. l. of good and lawfull money of England, upon this condition indorced upon the said wryting obligatorye, viz. that if the said J. L. & the said R. L. your said orator, or either of them, their heires, executors, administrators, of them, or any of them did well and truly content and pay unto the said A. B. his executors and administrators, the said summe of xvij. pounds xij. shillings, of good and lawfull money of England, at, or upon the 25. day of March, in the yere of our Lord God, 1588, in the church porch of S. betwene the houres of one and thre of the clocke in the after none of the same day, that then the said wryting obligatorye to be void and of none effect, or else to stand in full force and vertue: But so it is, right honourable, that the said summe of xvij. pounds xij. shillings was not paid unto the said A. B. at the time and place mentioned in the said condition, whereby the said bond of forty l. wherein the said J. L. and your saide orator were bounden to the said A. B. was, and yet continueth forfeited, the saide A. B. being not paid nor agreed withall, by reason whereof, your H. said orator is like to grow to great trouble and suite of law for the said bond: And albeit your H. said orator hath divers and sundry times thence the making of the said bond, promise, and assumption, most earnestly requested the said R. L. to make unto your Honors said orator a counterbond, for the discharging and saving harmlesse of your said orator, against the said A. B. for, and concerning the said bond, according to his said assumption and promise, yet that so to do, the said R. L. hath denied and refused ever hitherto, and yet both deny and refuse to do the same, contrarie to all right, equitie, and good conscience: In tender consideration whereof, and sozasmuch as your saide orator hath no sufficient witness and words of assumption to maintaine an action upon his case at the common law, meaning nothing but plainly, whereby he is void of all remedy at the common law: Pay it there-
toze

the please your Honor, the premises considered, to grant unto your said Orator, the Præmisses matters most gracious writ of Subpoena, to be directed to the said R. L. &c.

A Bill for making false Affidavit for appearance.

If most humble wise sheweth unto your good Lo. your L. orator J. P.
J. of L. Gentleman. That whereas upon suite heretofore and per-
pending in this honorable court, betwixt your L. orator said orator
then plaintiffe, and one R. A. defendant in the said suite, her spouse
dies writ of Subpcena was out of this said Court unto the said R. A.
directed, commanding him thereby at a certaine day therein limited,
to appeare before your L. in the said Court, and to answer to your L.
said orator, in, and touching the saide suite: Now so it is if it may
please your L. that the said R. A. not having any regard of her spouse
saide process of Subpcena, so to him directed, but seeking deceitfully
and fraudulently to neglect and disobey the same, procured one C.
B. his servant, a very lewd person and fit minister for such a purpose,
to come unto this honorable Court of Chancery, and there most co-
ruptly, falsly, and perjuriously, to swear and depose upon the holy E-
uangelist, that the saide R. A. at that time was lame and not able to
travell to this court, without great danger of his health, so that the
paine of his lameness was such, that he was perswaded by his friends
to goe to the Bath, being thirtie miles distant from his house, or there-
abouts, and that he was gone to the said place with much ado, and
there remained at the taking of his said Bath, wherein the said C. B.
by the meanes, subornation, and procurement of the said R. A. hath
most wickedly committed most wilfull and corrupt perjury, for as-
much as the said R. A. was at that time in very good and perfect health,
abilitie, and soundnesse of body, without any manner of lamenesse or
debilitie, so as he might have very well travelled without hurt or dan-
ger of his health, and was at that time at C. in the County of L. and
not at Bath, as the said C. B. in his said deposition most bitterly de-
posed. May it therefore please your good L. orator.

Scd. 1072

4. Bill to be relieved of an obligation with condition, for that the money was paid accordingly.

A most humble wife complaining herself unto your good & obedient
ship, your pale dates: years. of 5. in the Countie of Wiltshire and
now, and 3. D. of 4. in the same Countie of Wiltshire, in the towne
and 1. D. of 2. in the countie of W. Gentleman, having had for
his and borrow money for his necessitie use, entreated your father

Sect. 102.

Supplications, Bills,

Ozatoz to bozofo of *W. C.* of *A.* in the said countie of *W.* to do to, the
 summe of *xx. l.* which your saide ozatoz did according to the request of
 the said *J.* And for the repayment thereof to the said *J.* your said oza-
 toz became bound to her the said *J.* by obligation, in the summe of *xl.*
 pounds, with condition, for the payment of the said twenty pounds at
 a day now past, which twenty pounds he the said *J.* hath well and
 truly contented, satisfied, and paid to the said *J.* according to the con-
 dition aforesaid: which notwithstanding, so it is, if it may please your
 good *L.* yet both the saide *J.* against all good dealing detain the saide
 obligation in her hands, notwithstanding sundry requests made un-
 to her by your said ozatoz, for the deliuey thereof, against all right, e-
 quitie, and good conscience, minding agait shoulde seeme to put the same
 in suit, either against your ozatoz or his executors when opportunitie
 serueth. In consideration whereof, and soasmuch as your said ozatoz
 hath not ordinary remedy by the course of the common law, to compel
 the said *J.* to deliuey the said bond, or to cancell the same according as
 in right she ought to do. *Pray* it please your good *L.* to grant, &c.

*A Bill for that the Plaintiff hath not according to promise, procured an ac-
 quitance for rents by him paid to the Defendant by the appointment of
 his lessor.*

Sec. 103.

Humblly complaining, sheweth unto your honorable Lordship,
 your saide ozatoz *J. J.* of *W.* in the countie of *W.* the person,
 That whereas about the first yeare of the raigne of the late king *Ed-
 ward the first*, one *J. J.* late father of your saide ozatoz was lawfully
 seised in his demesne, as of fee, of, and in certaine lands and tene-
 ments with thappurtenances in *W.* and within the parish of *W.* in the saide
 countie, and being thereof so seised, died thereof so seised. By and af-
 ter whose death the saide tenements and premisses with thappurte-
 nances descended and came, as of right they ought to desce and come
 to your said ozatoz as sonne and next heire of him the saide *J. J.* after
 whose death your saide ozatoz entred into the said tenements and pre-
 mises with thappurtenances, and was thereof seised in his demesne
 as of fee, and being therof so seised, one mesuage or tenement, one gar-
 den, one orchard, one close or croft, thereunto adioining, diuers lands,
 meadows and pastures, parcel of the premisses, were assigned to *J. J.*
 late wife of the said *J. J.* deceased for her dower of the saide landes of
 her saide husband, by force whereof she was therof seised in her de-
 mesne, as of feehold, and she being thereof so seised, afterwards, that
 is to say, about the vi. day of June, in the fourth and fifti yeere of the
 raigne of *K. Philip and M. Marie*, by Indenture dated the day and
 year

were abovesaid, granted and to farme did let vnto your said Watoz þ
 said lands, tenements, & premises, to hold from the date of the saide
 indenture, vnto the end & terme of threescore yeares, if he should so
 long liue, reseruing thereupon to her yearely, during the saide terme
 of threescore yeares, if the so long liued, threepounds of lawfull Eng-
 lish money, which yerely rent of threepounds your said Watoz did
 well and faithfullly pay vnto the said A. and her assignes vntill about
 the tenth yeare of the raigne of our Soueraigne Ladye the Queenes
 Maietie that now is, at which time the said A. did grant and assigne
 thirtie shillings yearely, parcell of the saide yearely rent of threepounds
 during her life, to one R. P. of C. in the Countie of D. Cutler. And
 afterwards, that is to say, about the twentieth yeare of her Maieties
 said raigne, the said A. for sundrie considerations did appoint the saide
 R. to receiue the other thirtie shillings yerely, residue of the saide yere-
 ly rent of threepounds to his owne vse. And your said Watoz euer
 since the saide grant and appointment hath yearely paid vnto the said
 R. as well the saide thirtie shillings rent, so to him granted by the saide
 A. as the saide other thirtie shillings rent, residue of the saide 3. pounds
 rent. In consideration whereof the said R. P. about the first day of
 June last past faithfullly promised your saide Watoz to procure and
 deliuer vnto him sufficient acquitances, of the saide A. for all the saide
 rents which the said R. had so, as is aforesaide, receined of your said
 Watoz by the appointment of the saide A. And whereas further (if
 it may please your good Lord) about the eighteenth day of Aprill, in
 the 27. yeare of the reigne of the Qu. Maietie that now is, the said R.
 P. being indebted to one W. S. of S. in the saide countie Smith, in
 the summe of 50. and thre shillings and foure pence, of English mo-
 ney, did intreat your said Watoz to be suretie for him to the said W.
 S. for the paiement of the saide summe of 53. s. foure pence to the said
 W. S. at the feast of S. Bart. the apostle then next ensuing, which
 your said Watoz did accordingly, in consideration thereof, the said R.
 P. did then assume vpon himselfe, and vnto your said Watoz faithfull-
 ly promise, that if hee the said R. P. did not well and truly pay vnto
 the said W. S. the saide fiftie thre shillings foure pence at the saide
 feast of S. Bart. That then hee the said R. P. would sufficiently con-
 uey and assure to your saide Watoz, the saide yearely rent of thirtie
 shillings, to him as aforesaide, granted by the said A. together with
 the saide deed thereof, and afterwards the said R. P. did neither pay
 to the said W. S. the saide summe of 53. shillings, foure pence, nor any
 part thereof, at the saide feast of S. Bartholo. nor at any time since,
 nor did conuey þ saide yerely rent of thirtie shillings, or deed thereof to
 your said Watoz according to his saide promise, But altogether contra-
 ry to

Supplications, Bills,

ry to his owne promise hath procured the saide A. to sue your Maie^{ty} before the M^{aj}esty, and her honourable counsaile, established in the North parts, for 25. l. 10. s. as arrearages of the said yearly rent of thre l. supposing the same to be behind and unpaid by the space of big. yeeres and a halfe, now last past, notwithstanding that your said Maie^{ty} hath well and truely paid the same to the saide R. P. aforesaid. And the said R. P. although he hath been oftentimes gently required by your saide Maie^{ty} as well to procure him the saide acquittance of the said A. for the said rent of iij. l. as to make assurance of the said yearly rent of 30. s. to him by the saide A. graunted, yet that to doe, he hath euer hitherto denied, and refused, and yet doth deny to doe the same, against all right, equitie, and good conscience, and to the great hindrance and losse of your said Maie^{ty}. In tender consideration whereof, and sozomuch as the said agreements, promises, and payments of the said rents were privately made betwene your saide Maie^{ty}, and the said R. P. without any witness thereof, so; that your said Maie^{ty} reposed so great trust in the said R. P. being his naturall brother, that he called no man to beare witness thereof, so that he can haue none ordinary meanes by the due course of the common lawes of this Realme, but is altogether remediesse to obtaine or recover any recompence or damages thereof, vnlesse the same R. P. will confesse the same to be true in his answer hereunto, as your saide Maie^{ty} verily thinketh that he will. It may therefore &c.

A Bill for that the defendant, for whom the Plaintiffe was surety to pay certain money, did neither pay the said money, nor saue the Plaintiffe harmlesse.

Sect. 104.

Humbly complaining sheweth vnto your Hon. Lo. your daily Maie^{ty} H. V. of E. in the countie of D. yeoman. That wherreas about the big. day of October, in the 22. yeere of the raigne of our soveraigne Lady the M^{aj}esty most excellent Maie^{ty} that now is, your said Maie^{ty}, at the earnest request of one H. C. of E. in the said County yeoman, and R. C. his son, so; and with the said H. did enter and become bounden vnto H. S. of E. aforesaid yeoman, in one Obligation or bond of fortie pounds of lawfull English money thereupon indorced with Condition, that if the saide H. V. and H. C. or either of them, their executors, administrators, or assignes, or any of them, did well and truely pay or cause to be paid, vnto the said H. S. his executors, or assignes, the summe of twenty pounds of lawfull English money vpon the ninth day of October, which then should be in the yeere of our Lord God 1581. at the now dwelling house of the saide H. S. in E. aforesaid, that then the said obligation should be void and of none effect.

effected. And the said *H. C. & R. C.* in consideration thereof, did then and
 there assume upon themselves, and unto your said *Dzatoz* faithfully
 promise, that the said *H. C.* the summe of 20. pounds unto the said *H.*
S. upon the said ninth day of October, in the yeare of our Lord God
 1581. would well and truly pay, or cause to be paid, according to
 the said condition of the said obligation. And that the said *H. C.* and
R. C. would from time to time, and at all times hereafter, save and
 keepe harmelesse, and indemnified your said *Dzatoz* against the said
H. S. of, for, and concerning the said bond of 40. £, and of, for and
 concerning all actions, suites, and troubles to be had or commenced a-
 gainst your said *Dzatoz*, for, or by reason of the said bond of 21. pounds.
 And also that they the said *H. C.* and *R. C.* would forthwith have been
 bound unto your said *Dzatoz* by their sufficient obligatⁿ in the summe
 of foure score £, for the so saving harmelesse of your said *Dzatoz* against
 the said *H. S.* as is aforesaid. But now so it is, if it may please your
 honorable L. that the said *H. C.* intending your said *Dzatoz* in this be-
 halfe, craftily and subtilly, to defraud and deceiue, hath neither paid
 unto the said *H. S.* the said twenty pounds the said ninth day of Octo-
 ber in the said yeare of our Lord God 1581. according to the effect and
 meaning of the said condition, nor at any time since, nor the saide
H. C. and *R. C.* have become bounden unto your said *Dzatoz* in the said
 obligation of foure score pounds, to save your said *Dzatoz* harmelesse a-
 gainst the said *H. S.* as is aforesaid, albeit that your said *Dzatoz* hath
 sundry times gently required them, and either of them so to doe, the
 same to doe haue ever hitherto refused, and yet do refuse and deny to
 doe the same against all right, equity, and good conscience, contrarie to
 their faithfull promise and assumption aforesaid, so that your said *Dzatoz*
 is likely very shortly to be enforced to pay unto the said *H. S.* the
 said twenty pounds, which would be to the great damages and hin-
 derance of your said *Dzatoz*, if speedie remedie be not in this behalfe
 by your good Lordship in due time provided to preuent the same, where-
 fore, and so far as much as your said *Dzatoz* giuing faith and credite to the
 said promise and assumption of the said *H. C.* did take their saide pro-
 mise and assumption of them, without calling any witnesse to them to
 haue the same, so that your saide *Dzatoz* for want of such witnesse
 hath no remedy by the common lawes of this Realme, nor otherwise
 to make them performe the said promise and assumption, vntlesse the
 said *H. C.* and *R. C.* doe confesse the same in their answer in this Hon-
 ourable Court, as your said *Dzatoz* verily thinketh they will: Pay it, &c.

Supplications, Bills,

A Bill for entitling himselfe to the soyle of a common, and for selling of woods therein growing.

Sec^{to}.

I most humble wise complaining, sheweth and complaineth to your Honor, your daily orator *H. Clerke, Prebendary of the Prebend, commonly called the Prebend of the Overhall in Roxwell, in the collegiate Church of Southwell in the countie of North.* That whereas your said Orator was, and is seized in his demesne as of fee, in the right of the said Prebend, of, and in one manor in Roxwell, in the said Countie, whereof certaine woody grounds and springs, being most commonly open, and the herbage thereof, taken and used as common by the tenants and other inhabitants of the same manor and towne of *P. aforesaid* is parcell. And the tenants and inhabitants of the same manor and towne of *P. aforesaid*, as tenants of the same manor, And other tenants and inhabitants within the townes and villages of *C.* and *H.* that is to say, by them as Commoners because of vicinage, by reason of which said woody and spring of grounds, used as common, as is aforesaid, part whereof is parcell of the same manor of *P.* containing by estimation twentie acres, extending in length from a certayne oke tree, being a boundarie oke betwixt the same and such other like grounds being parcell of another prebend in the Collegiate church of *P. aforesaid*, commonly called the Prebend of the Featherhall or Palacehall in *P. aforesaid*, and from thence extendeth along, by a place where 3. trees lately there did grow, commonly called the three brethren, and so from thence along by a Peare, which is as it hath bin an ancient dyke ditch cast up as it were, or had bene a Peare, Southward betwixt the severall lordes & owners of y^e lands in that place, that is to say, first Eastwards, betwixt the lordes and owners of the same lands, and the manors and lands of Cauntton & Westhoyp, and Westward unto the manor of *H. k. all*, and from thence downeward west unto the parke pale of *H.* and by the same parke pale Southward by a certayne little riuer of water, unto certayne of the like lands and tenements of the said other manor of *P. aforesaid*, and so Eastward byward unto the aforesaid ancient oake, which said parcell of ground, one *H. W. and J. B. gentleman,* & one *H. L. yeoman,* pretending to have severall manors in *C. aforesaid*, And having divers deeds, Charters, evidences, boundaries, terrats and muniments, concerning the premises of right belonging to your said Orator, casually or by some sinister meanes come to their hands, do not onely claime the same to be parcell of their said severall manors: But also vnder pretence of their said pretended and uncertaine claime, not only some of them, but also divers other vnder the colour and permission of some of them hath cut
and

and caused to be cut downe the most part of the best trees growing upon the said parcel of wood ground, as in truth all that was felled did grow there in a corner thereof towards the East part, containing like xv. acres, and that in absence of your said *orator* then being, and yet remaining a student in the University of Cambridge, that is to say, a fellow of Cunnill and Cains Colledge, and not so contented, but considering your said *orator's* absence, daily and continually, both continue their former claime to the said ground, within the meares and bounds aforesaid, & so do cut downe & cause to be cut down the residue of the wood there growing, and so wil very shortly leave none there. And also by colour and reason of the said permission, they will shortly by such indirect means and practise, win, and get the freehold & inheritance thereof to them, as they haue in other the waists, common, and like grounds, within the manor, of, or in C, or at the least haue none able to testifye the contrary, whereas now in truth there are diners & sundry sufficient and antient witnesses, being very aged, and some of them very impotent, that can and will travell so farre as they are able to travell, to testifye upon their oaths the truth of the premises in manner and forme, as befoze in effect is alleaged, and moze so: the better proofe of your said *orator's* right, in, & to the said last recited premises, if cause & need shall so require, and that the said *R. W. F. B. and R. T.* upon their answer vnto the matters in this bill of complaint, will not confesse the truth therein, as it is most credibly to be presumed they will, and the rather, so: that, if they will deny the same, they know in proceeding upon their answers to this bill, all the whole truth concerning the premises must be examined by depositions of witnesses, and their depositions, if other presently be not taken of the same, shall and may remaine of record in perpetuam rei memoriam, to doe further therein, as by this honorable Court shall be awarded, wherefoze the premises tenderly considered, and also the incertaintie, whether the said *R. W. F. B. and R. T.* or any of them will confesse the whole truth, concerning the right and title of your foresaide *orator* to the same: And the wrong and damage by them, and other by their meanes and consent to him done. And if they should not, the uncertainty whether that the foresaid ancient, aged, and impotent persons or any of them that now be lining, and can testifye the truth concerning the same shall be lining when the same shall come in triall, at, or by the course of the common Lawes, to whom the right of the freehold and inheritance thereof doth of right belong, ouer and besides the impotence, that they or most of them may haue at such time and times, to travell to witnesse and testifye the truth concerning the premises, with this, that your saide *orator* doth not knowe the certaine date

Supplications, Bills,

02 Dates of the said Deedes, charters, euidences, boundaries, terrars, muniments, 02 wherein the same be contained, whether in bagge, 02 boze, sealed, 02 locked, 02 otherwise, and so without remedy for the recourte of the same, and redresse for the wrong abovesaid, of, 02 by order of the common lawes of this Realme, It may therfore &c.

A Bill against the executors, for that the Testator did not deliuer specialties paid, wherupon they threaten to sue the Plaintiffe.

Sect. 106.

In most humble wise complaining, Sheweth to your good Lordship, Your poore and daily orator *G. p. of L.* in the county of *D. yeoman*, That whereas your said Orator about the moneth of January, in the 30. yere of the raigne of our soueraigne Lady Elizabeth, the Quene's Maestie that now is, by his severall bonds 02 wrytings obligatorie became bound to one *p. D.* now deceased, for the payment of severall summes of money unto the said *p. A.* which said summes of money, and every parcell thereof your said Orator hath truly satisfied and paid to the said *p. D.* in his life time, according to the purport and effect of the said severall bonds and wrytings obligatorie, not taking any of the specialties, 02 any acquittance 02 discharge from the said *p. D.* for the same, but only trusted the wordes of the said *p. D.* who faithfully promised your said Orator to send the same specialties to your said Orator's house, at *Totley aforesaid*, 02 sufficient acquittance for the same. But now so it is, if it may please your good Lordship, that since the death of the said *p. D.* the said obligations and wrytings obligatorie are come to the hands and possession of *p. C. of S.* in the county of *Yorkshire yeoman*, and *L. C. of S.* aforesaid yeoman, who by colour of having thereof, have now of late in their owne names as executors to *A. D.* late wife of the said *p. D.* and executrix of the last will and testament of the same *p.* commenced suit in her *p.* court of common pleas at *Westminster*; against your *L.* said poore orator, upon one of the said obligations 02 wrytings obligatorie of the summe of *xx. l.* 02 thereabouts, indorced with condition for the payment of *vi. l.* at a day mentioned in the same condition, & do threaten to put the residue of the said specialties in suit against your said Orator, meaning and intending thereby to recover against your said Orator the penalties of the said severall obligations and wrytings, who hath already paid the principall and due debts to the said *p. D.* in his life time as aforesaid, which is contrary to all right, equity, and good conscience. In consideration whereof, and soasmuch as your Lordships said Orator hath not any witnesse now living, that can testify the payment of any of the said summes of money, 02 any part 02 parcell thereof, and therfore cannot plead any matter

matter in barre at the common law to the said actions already commended by the said C. and C. whereby your said orator, by the strict course of the common lawes of this Realme, is altogether remedlesse, vnles your L. accustomed goodnes be to your said p^{re} orator extended. Wherfore please your good L. &c.

A Bill against executors upon a priuat promise made by their testator, retaining an Atturney to prosecute and defend suits for himselfe and others, alleging that the executors haue wasted the Testators goods &c.

Humbly cōplaining, sheweth vnto your honozable L. your daily Sect. 107.
 Hoza^r W. W. of K. in the countie of P. Gentl, one of the Attornies of the M. maisties court of common pleas, befoze her Highnesse Iustices, to be holden of the same Court: That whereas one J. P. of of L. nere P. in the countie of Notf esquire deceased, in his life time, that is to say, about the terme of the holy Trinitie, which was in the yere of our Lord God 1; 86. did retaine the said W. W. to be of counsell with him the said J. P. to prosecute and defend diuers and sundry suits, p^{re}s, and busineses to be done, and had in the said court of common p^{re}s, as well fo^r the said J. P. as fo^r diuers others his then seruants and bailifes, and tenants, and namelly fo^r the said J. P. against R. C. in a writ of Repleuin fo^r thre kine of the said R. supposed to be vniu^{er}sally taken and detained by the said J. P. And fo^r the said J. P. against H. M. in a Repleuin of the said H. fo^r vi. oren supposed to be taken and vniu^{er}sally detained by the said J. P. And fo^r the said J. P. against J. V. in a Repleuin fo^r two kine of the said J. V. supposed to be taken, & vniu^{er}sally detained by the said J. P. And fo^r the said J. P. against C. S. in a Repleuin of certaine cattell of the said C. supposed to be taken, and vniu^{er}sally detained by the said J. P. And fo^r R. K. and W. S. against R. L. fo^r thre oren of the said R. V. supposed to be taken and vniu^{er}sally detained by the said R. K. and W. S. And fo^r J. S. and R. S. against H. W. alias W. in a Repleuin, fo^r certaine beasts of the said H. S. supposed to be taken and vniu^{er}sally detained by the said J. S. and R. S. And fo^r R. K. and W. S. against R. V. in a Repleuin of diuerse beasts of the saide R. V. supposed to be taken and vniu^{er}sally detained by the said R. K. and W. S. And fo^r J. S. and W. W. against L. C. in a Repleuin of certaine beasts of the saide L. C. supposed to be taken and vniu^{er}sally detained by the saide J. and W. W. And fo^r the said J. S. and W. W. against the said R. C. in another Repleuin of certaine beasts of the saide R. C. supposed to be taken and vniu^{er}sally detained by the said J. S. and W. W. taking fo^r his labo^r fo^r every one of the said p^{re}s and busines, so as is said in the same court by him to be prosecuted and defended fo^r euerie terme

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in which your said ozatoz should so be atturney for him of them, or any of them, 3. s. 4. d. And besides that for all reasonable costs and expences about the prosecution of the same suits, pleas, and businesses, as for the writing of writs, sealing of them, & drawing and entering of pleas, and warrants of attorney, and for all other things in that behalf, by him your said ozatoz be laid forth and expended, and in consideration thereof, he the said J. ap. did about the same time assume upon himself, and unto your said ozatoz faithfully promise, well and truly to content, satisfie, and pay unto the said ozatoz whensoever he should be thereunto required by your said ozatoz as well the said sum of 3. s. 4. d. for every of the said suits, pleas, and businesses so to be prosecuted, as also all the said cost and expences, so as is aforesaid, to be laid forth in that behalf: by reason of which retainer and promise, so as is aforesaid made, your said ozatoz was of counsaile with the said J. ap. and the said other persons in the said suits and pleas in the said court, by the space of 8. several termes next ensuing the said retainer, and during the said time did prosecute and sue for & defend divers suits and writs, aswel iudicial as original, as by the records thereof remaining in the said court appeareth, by reason whereof your ozatozs fees for prosecution & defending of the said suits or pleas by the said time did amount unto 1. l. of thereabouts, besides the costs & expences laid out by him in the same, which costs & expences laid out by your L. said ozatoz, did amount unto 8. l. 19. s. 9. d. which were behind, and unpaid unto your said ozatoz, by means whereof action accrued unto your said ozatoz to demand and have of the said J. ap. in his life time the said summe of 18. l. 19. s. 9. d. and of the said J. ap. unto who administration of all the goods & chattels which the foresaid J. ap. had at the time of his death, were after his death lawfully committed, yet therefore the said J. ap. in his life time the said summe of 18. l. 19. s. 9. d. nor any penny thereof, though oftentimes in his life time thereunto by your said ozatoz required, or the said J. ap. his administratoz after his death, notwithstanding that the goods & chattels which were the said J. ap. be sufficient for the payment of the said 18. l. 19. s. 9. d. unto your said ozatoz, and of all other debts which the said J. ap. ought to have paid, did come to the possession of the said J. ap. & still remain in the possession of her the said J. ap. or of such person or persons, unto whom she hath yielded, left, or delivered the same, notwithstanding that she hath sundry times since the death of the said J. ap. bin gently required by your said ozatoz. to pay to him the same 18. l. 19. s. 9. d. or any part thereof, hath not yet paid and contented, but the same to content and pay hath ever hitherto denied & refused, & the said J. ap. doth yet deny and refuse to pay the same, thereof intending bitterly to defraud and deceive your laide ozatoz against all right, equitie,

and

and god conscience, notwithstanding also that she the said A. sp. hath her selfe at sundry times heard the said J. sp. in his life time promise, that he would pay vnto your said Watoz all such summes of money, as were behind vnto your said Watoz, and notwithstanding also, that she wel knoweth, that the foresaid summe of 18. l. 19. s. 9. d. was due vnto your said Watoz by the aforesaid J. sp. in his life, by reason that she hath seene, and hath a particular bill thereof, which was sent and deliuered to him in his life time by your said Watoz, and notwithstanding also, that she her selfe since y^e death of the said J. sp. did assume & faithfully promise to pay vnto your foresaid Watoz all such money as was due vnto him at the said time of his death, if she the said A. sp. did take vpon her the administration of his goods and chattels, which she hath done as is said. All which things she the said A. hath done partly by her owne inuicious mind, but chiefly by the wicked and sinfull perswasion of H. sp. Gentleman her sonne, by whose counsell and perswasion she hath closely and secretly conueied away a great part of the saide goods being of very great value, to diuers places and persons, to your said Watoz utterly vnknowne, and left the same out of the Inuentorie of the said J. sp. his said goods which she hath exhibited: and also hath caused such goods and chattels, as be mentioned in the said Inuentorie, to be praised much vnder the value thereof, and a great part thereof to be set downe therein so confusedly and inconueniently, that it cannot well be knowne, either what they be, or of what value. And furthermore she the said A. by the like sinister counsell & perswasion hath consented & caused one W. B. and T. C. and diuers other persons being her especiall friends couenously to commence diuers and sundry fraudulent actions of debts and executions against her, as administratrix of and to the same J. sp. suffering her selfe therein to be conuicted and condemned, though in very truth either nothing or very litle was due vnto them, and in a maner nothing at all taken of her by them, by vertue of the said actions and executions, to thintent thereby to dazle the eyes of your Watoz, and of other the creditors of the said J. sp. not knowing the trueth of the same vngodly deuises, intending by such meanes to defraud and defeate your saide Watoz, and the rest of his said creditors, of the most part of their severall debts, which their vnknowfull practises are like to be to the great losse and hinderance of your saide Watoz, if speedy remedy be not by your good Lordships meanes provided to meet with and pzeuent the said unconscionable and vniust dealing in the premises, soz that the promises and assumptions of the said J. sp. and A. sp. were made secretly and priuately vnto your said Watoz, no persons being present with them at the making of the said severall promises, noz any man living which can testifye the same, so

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that your said *Majty* for want of such p^{ro}ve thereof, as is requir^{it} by the strict course of the common lawes of this Realme, is altogether remediable, if it be not by the order of this honorable court, wherein your *L.* said *Majty* hopeth, and verily thinketh, that the the said *A. G.* in her answer to the p^{re}misses, vpon her cop^oyal oath wil confesse the same, to be in effect, as it is herein set forth and disclosed: Pay it therfore &c.

A Bill for diuers Euidences.

Sec^t. 108.

Humbly complaining, sheweth vnto your *L. G.* Earle of *S.* That whereas the saide Earle is lawfully seised in his demesne as of fee, of, and in the man^or of *S.* in the county of *P.* and in the hundred of *S.* with thappurtenances in the county of *D.* and of, and in the castle and man^or of *S.* with thappurtenances in the county of *P.* & of the castle & man^or of *B.* in the county of *D.* and of and in the castle & man^or and hundred of *B.* in the county of *D.* with thappurtenances, & of, and in diuers messuages, lands, tenements, hereditaments, franchises, and liberties, to the said seuerall man^ors & hundreds belonging: Now so it is, if it may please your good *L.* that diuerse and sundry Court-rolles, charters, euidences, exemplifications of reco^ords, extracts, t^{er}ritors, pleadings, writings, & muniments, concerning the said seuerall man^ors, hundreds, and p^{re}misses with thappurtenances, and of right belonging vnto the said Earle, and wherby the said Earle should make his title vnto the said man^ors, hundreds, liberties, and p^{re}misses, with thappurtenances, & to the most part therof, are by casual means come vnto the hands, custody, and possession of one *A. C.* of *S.* in the county of *D.* And albeit that the said earle hath sundry times sent vnto the said *A. C.* gently requiring him to deliuer vnto the said earle the saide Court-rolles, charters, euidences, exemplifications of reco^ords, extracts, pleadings, writings, and muniments, yet that to do, the said *A.* hath euer hitherto utterly denied, & yet doth deny to do & same, against all right, equity, and good conscience: Intender consideration whereof, and for so much as the said earle knoweth not the certaine dates, and other the certainties of the said deeds, charters, euidences, exemplifications &c. neither wherein they, or any of them be contained, & therfore hath not any ordinary remedy by the common lawes of this realme to recover the same deeds, euidences &c. or any of them, and wanting the same deeds &c. is in danger to lose many franchises, liberties, and commodities belonging to the said seuerall man^ors, hundreds, and p^{re}misses: Pay it therfore please your honorable *L.* to grant vnto the said earle the *D. n.* maiesties most gracious writ of Subpoena, to be vnto him directed, commanding him to appere before your honorable *L.* in his maiesties high court of Chauncerie, &c.

A Bill for not making of an assurance of lands according to a covenant, alleging the Indenture thereof to be come to the Defendants hands, and that some of the Defendants were within age at the making of the same Indenture.

Complaining, sheweth unto your honorable L. Silb. Earle of S. Sect. 109.
 Clonne and heire of the right honorable George late earle of S. deceased, and administrato^r of the goods and chattels which were the late Earles at the time of his death. That whereas about the moneth of Sept. which was in the 32. yere of the raigne of the Quenes most excellent maiestie that now is, one R. C. of W. in the county of W. gentleman, was seised in his demesne as of fee, of, and in one annuittie of yerelely rent charge of 20. l. by the yere, issuing and going south of certaine lands in W. in the said county of W. and of, and in one other annuittie of yerelely rent charge of 40. markes by the yere, issuing and going south of certaine lands and tenements in W. alsozelsaid. And where also he then had to him and his heires, to the vse of him and his heires for ever, by conueiance from one P. W. esquire, one melting house and certaine ground then lately used to the same. And where further the said R. C. by conueiance from the said P. W. then had to him and his heires for ever, the tithe of the Cozne and Hey renewing, comming, or growing within W. alsozelsaid, or elssewhere within the seuerall parishes of W. or S. or either of them, in the said county of W. And where also one T. C. sonne & heire apparent of the said R. C. then also had by conueiance from the said P. W. to thuse of the said T. C. and his heires for ever, diuers and sundry lands, tenements, and hereditaments with the appurtenances in W. alsozelsaid. And where also one G. C. second sonne of the said R. C. then had by conueiance from the said P. W. unto the vse of the said G. C. his heires and assignes for ever, the mannoz of W. with thappurtenances, and diuers lands, tenements, and hereditaments, with thappurtenances, as by seuerall conueiances of the said seuerall tenements, things, and premises, to the said R. C. and G. before that time seuerally made appereth: by force whereof they were thereof lawfully seised seuerally in their seuerall demesnes, as of fee: And being therof so seised, they the said R. C. T. C. and G. C. for a certaine summe of money to them well & truly paid by the said late C. & for other considerations the then especially moving, by Indenture bearing date, in, or about the said moneth of Sept. in the 32. yeate abovesaid, made betwene them on the one party, and the said G. late Earle of S. on the other party, did fully, freely, and absolutely alien, graunt, bargain, and sel vnto the said G. late earle of S. his heirs and assignes for ever, the said mannoz of W. with all his rights, members and appurtenances

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tenances

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tenances in the said county of D. and al and singuler mesuages, tofts, cotages, houses, &c. to the said manoz of B. belonging, or in any wise appertaining; and all other the mesuages, lands, tenements, rents, reuerfions, seruices, & hereditaments of the said R. E. & C. E. & of euery of them, whatsoeuer, scituate, lying, &c. Together with all the reuerfion and reuerfions, remainder & remainders, of all and singuler the premises, and euery part therof with the appurtenances, and al estate, right, title, interest, claime, vse, possessiō, and demand of them the said R. E. & C. E. & of euery of them whatsoeuer, of, in and to the said manoz, mesuages, lands, tenements, hereditaments, & other the premises befoze mentioned, and of, in, & to euery part therof: excepting and forspising one graunt made by the said P. B. to the said R. his heires and assignes for euery, of common of pasture for all &c. To haue and to hold the said manoz, lands, tenements, & premises, with thappurtenances (except befoze excepted) vnto the said G. late earle of S. his heires and assignes for euery, to thonly vse of him the said late earle, his heires and assignes for euery: And in consideration of the premises, the said late earle by the said Indenture of bargain and sale, did graunt vnto the said R. C. his heires and assignes for euery, to the only vse of the said R. his heires and assignes for euery, one annuitie or yerely rent charge of 100. l. of lawfull English mony, to be issuing and going out of all and singuler the said manoz, lands, tenements and premises, (except befoze excepted) and except such lands, tenements, and hereditaments, as were then assured or conueied for the icynture of the right Ho. Elizabeth, then, and yet Countesse of S. to be paid at the feast of S. Michaell tharchangell, and the Annunciation of the virgin Marie, by euen portions, or to this or the like effect and meaning, as in and by the said Indenture of bargain and sale amongst other things plainly appereth, the precise contents whereof this complainant can not moze certainly set downe, for want of the saide Indenture. And whereas also (as this complainant hath heard) it was in, & by the said Indenture of bargain and sale couenanted and graunted on the part of the said R. E. & C. E. and G. E. to and with the said G. late earle of S. this complainants said late father, his heires and assignes, and euery of them, that they the said R. E. & C. E. and G. E. their heires and assignes, and euery of them, other then such person and persons for the time being, whose estates and interests are in the same Indenture excepted, their executors, administrators, & assignes, and euery of them, in respect only of the same estates and interests so excepted, and euery of them, should and would at all times hereafter, for, and during the space of certaine yeres, next ensuing the date of the said Indenture of bargain and sale, now almost ended and expired, at, and vpon the

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lawful and reasonable request, and at the costs and charges in the law of the said late earle, his heires or assignes, or some of them do, make, and knowledg, and suffer, cause, and procure to be done, made, and knowledg, al and every such further, lawful, and reasonable act and ads, thing and things, deuise and deuises in the law whatsoeuer, for the further and moze better assurance, surety and sure making and cōueying of the said manors of W. and the messuages, lands, tenements, and p̄misses, with thappurtenances, in the said Indenture mentio-
ned to be bargained and sold (except befoze therein excepted) vnto the said earle, his heirs and assignes, to the only vse and behoefe of the said earle, his heires and assignes for euer, accoꝛding to the true intent and meaning of the said Indenture, were it by fine, feoffment, recoꝛuerie, deed, or deeds inrolled, the inrolment of the said Indentures, re- lease, confirmation with ioynt or seuerall warrantie of the saide R. C. L. C. and G. C. their, and euery of their heires against them the said R. C. L. C. and G. C. their, and euery of their heires and assignes, and euery of them, and against all & euery other person and persons whatsoeuer claiming, in, by, from, or vnder them, or any of them, or other- wise with like warrantie, or without warrantie as by the said earle, his heires or assignes, or his or their counsell learned in the lawes, shoold be deuised, aduised, and required, so as none of the said ads or things concerning the said further assurance stretch or extend to any other or farther warrantie or warranties of the p̄misses, or any part thereof, then as is befoze exp̄essed, or to the effect and meaning, as in the same Indenture of bargain and sale appereth: But now so it is, if it may please your H. H. that at the time of the making of the said Indenture of bargain and sale vnto the said late earle, the said L. C. and G. C. were within and vnder the age of 21. yeares: And shortly after the making of the said Indenture, and befoze the same was either know- ledged or inrolled, or any estate executed thereupon, by Attornement, Livery of seisin, or otherwise, that is to say, vpon, or about the 17. day of Nouember, next insuing the making of the said Indenture, the said G. late earle of S. died, by, and after whose death, the right to haue and inherite the said manors, lands, tenements, and p̄misses with the appurtenances, descended and came, as of right the same ought to dis- cend and come vnto this complainant, as his eldest sonne and next heire, shortly after whose death, the administration of all the goodes and chattells of the said G. late earle of S. was by the right reuerend Father in God, J. by the prouidence of God, Archbishop of Canter- bury, Primate and Metropolitane of all England, committed to this complainant now earle of S. who administered the said goodes and chat- tels accoꝛdingly. And further so it is, if it may please your good Lorde,

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Ship, that the part of counterpaine of the said Indenture of bargain and sale belonging to the said late earle, is since the death of the saide late earle by casual meanes come to the hands, custody, and possession of the said R. C. T. C. and G. C. some of them, of some other person by their prauie and consent, the full contents whereof are utterly unknowne to this compe, by colour whereof, and so that the said R. C. and G. C. were so, as is also said, within age at the making of the said Indenture, they the said R. C. T. C. and G. C. hauing a great desire to haue the said manors, lands, tenements, and bargained premises, and thereof to disinherite and defeat this complainant, contrary to the true intent and meaning of the saide Indenture: notwithstanding that this complainant hath yearly since the making of the said Indenture, well and truly satisfied and paid vnto the said R. C. the said Annuities of yearly rent charge of 100. l. by the year, in the said Indenture mentioned, according to the tenor, forme, and effect of the same Indenture, (as this complainant verily thinketh.) And notwithstanding that this complainant hath sundry times, as well by him selfe, as by diuers other of his seruants and friends in his behalfe, sent and come vnto the said R. C. T. C. and G. C. gently requiring them, and euery of them, to redeliner vnto your said orators, the said part of counterpaine of the said Indenture of bargain and sale of the premises: And also to make vnto him this complainant and his heires, further conueiance and assurance of the said manor, tenements, and premises, by fine to be leuied before the Iustices of the common pleas at Westminster, and so that purpose in the terme of S. Hillarie, which was in the 34. yeare of the Quenes Maiesties raigne that now is, at Westminster in the Countie of Middlesex, this complainant required the said R. and T. according to the tenour, true intent, and meaning of the said Indenture of bargain and sale thereof, to come before sir C. A. knight, then, and yet chiefe Iustice of her Maiesties court of common pleas at Westminster, to make cognisance before the same C. A. knight of the said manor, tenements, and premises, with their pertinences, in forme of Lawe, that a fine thereupon might haue bin leuied, to the vse of this complainant, and his heires for ever, yet that to doe, they and euery of them haue euer hitherto refused and denied, and yet do deny and refuse to doe the same, contrary to the forme and true meaning of the covenants and agréments in the said Indenture of bargain and sale thereof contained, and against all right, equitie, and good conscience, and to the manifest defeating and disinheriting of him this complainant, of, and in the said manor, lands, tenements, and premises, and contrary to the true intent and meaning of the same Indenture of bargain and sale thereof, except spædie remedie

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be in due time provided to prevent the same. Wherefore the premises considered, and so much as the said complainant not knowing the certaine date and contents, and other certainties of the saide part of Counterpaine of the saide Indenture of bargain and sale, nor wherein the same is contained, whether in bagge, bore, or chest locked, sealed, or otherwise, and so hath none ordinary remedy by the due course of the common Lawes of this Realme, for the recovery thereof. And without the same Indenture hath no direct action by the common Lawes of this Realme to compell the saide R.C.L.C. and G.C. or any of them to assure unto him this complainant, the said manors, lands, tenements, and premises, according to the saide bargain thereof, for lacke of the saide Indenture, both partes thereof being come to the hands of the said Defendants. Neither if this Complainant had the said part of Counterpaine of the saide Indenture (as he hath not) yet had he not thereby any meanes by the common Lawes of this Realme, to compell the saide R.C. and G.C. or either of them to performe the bargain and covenants therein contained, they the saide R. and G. being as is aforesaid, vnder the age of one and twentie yeres, at the time of the making thereof. It may please your honorable Lordship, the premises considered, to grant unto him this complainant, the Quenes Maiesties most gracious writ of Subpoena to be directed to the saide R.C.L.C. and G.C. and euery of them, thereby commaunding them and euery of them at a certaine day, and vnder a certaine paine therein by your good Lordship to be limited, to be and personally to appere before your honorable Lordship in the Qu. Maiesties high Court of Chaucerie, then and there to answer vnto the premises, and further to stand to, and abide such order and direction therein, as to your good L. vpon the hearing of the saide cause, shall seme to be agreeable with right, equitie, and good conscience &c.

A Bill against the heire for entring into lands deuised to the Plaintiffe praying a Commission to examine witnesses in perpetuum rei memoriam.

Humbly complaining, sheweth vnto your good Lordship your Sect. 110.
 Hoize distressed Writor G. Will. of Sh. in the county of N. peoman.
 That whereas W. Will. deceased father vnto your saide Writor was in his life time lawfully seised in his demesne as of fee, of, and in the manor and Capitall mesuage of Sh. in the Countie of Sh. and of, and in one tarme, set, lying, and being within the parish of W. in the said Countie of Sh. and of diuers other lands, tenements, and hereditaments in N. aforesaid. And also whereas the said W. Will. deceased was

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was likewise in his life time lawfully seised in his demesne as of fee of, and in certaine ground, and one tenement with thappurtenances, set, lying, and being within the parish of C. in the county of D. and also of, and in the rectory and parsonage of C. alias C. within the said countie of D. and of diuers other lands, and tenements, set, lying & being in the county of P. and D. and he so being of the said lands and tenements seised, did by his last will and testament in wryting, deuise and bequeath vnto your said humble Datoz, and to the heiresmales of his body lawfully begotten, certaine parcels of land, of, and in the said manors of P. that is to say, one mansion house wherein your said pxe Datoz now inhabiteth and dwelleth, one close commonly called B. containing by estimation, two acres o2 thereabouts, one other close commonly called C. containing by estimation two acres o2 thereabouts, one other close commonly called the byper S. all which several parcels of land are scituate, lying, and being in P. as is aforesaid, in the foresaide Countie of P. one messuage o2 tenement commonly called by the name of an organg, scituate and being in W. in the saide County of P. and also one tenement called the P. scituate, lying, and being in the County of D. and one lease of the rectory, and parsonage of C. in the county of D. by vertue and force of which said deuise, and bequeath, your said humble Datoz entred into the said pmisses, and the said issues and profits of the same hath perceined, receined, and taken to his olone profit, vse, and behoofe, as lawfull was for himselfe to do, as he verily beleneth. But now so it is, if it may please your Hon. god L. that one R. W. brother to your said humble Datoz, as sonne and heire apparent to the said W. W. his father deceased, hath taken away, concealed, and cancelled, as it is thought, the said last will and testament of your said Datozs father, and hath taken vpon him the administration of all the goods and chattels, of your saide Datozs father reiecting and disannulling the saide last wil and testament made by your said Datozs father as aforesaid, to thintent onely and thereby of set purpose, malice, and vnbrotherlike dealing, to defraude, expell, depriue, and disinherit your said Datoz of his right, title, and interest, of, and in the said lands deuised to him as aforesaid, & also doth threaten your foresaid Datoz, that he may at his pleasure relinquish & disannull the besaiesaid last wil and testament made by your foresaid Datozs father as is aforesaid, and did take the administration of all your said Datozs fathers goods and chattells, and entred into all his said lands, as is aforesaid, contrary vnto al right, equity, and god conscience, and not chistian like but vnbrotherlike dealing, & contrary to the true intent and god meaning of your foresaid Datozs fathers wil, made as is aforesaid, vntlesse your god L. doe according vnto your accustomed

customod godnesse, extend your clemencie, and pitie in that behalfe to your poore Wzatoz. In consideration whereof the pzemisses considered, and sozasmuch as the title of your said ozatoz, by reason of the indiret practise bled as afozesaid, in concealing, cancelling, and relinquishing the said last Will as afozesaid, doth greatly depend vpon the witnesse and testimony of certaine persons dwelling withyn the countie of S. to proue the true meaning of your said Wzatozs fathers will, which are of great yeares, and also very impotent, not like long to live, nor yet able to trauell to this honourable Court to be examined for the testifying of the trueth, touching the pzemisses, as by common order appertaineth. And also soz that in time the said witnesses may die, and by meanes thereof your said Wzatoz may be in daunger to sustaine disinhericon of the pzemisses. May it therfore please your god Lordship to grant the Duēnes, &c.

A Bill for refusing to receive the Plaintifes rent according to an order, and taking of forfeiture of a bond made for paiment of the rent.

Humbly complaining, sheweth unto your god L. your daily oza, Htoz J. C. of E. in the countie of S. yeoman, That whereas one J. B. of W. in the countie of Worke Miller, pretended as in the right of his wife to be owner of a certaine mesuage in E. in the Countie of S. afozesaid, and of certaine land, meadow, and pasture thereunto belonging, and lying within the fields of E. afozesaid, and the said J. B. supetending himselfe in the right of his said wife to be seised as is afozesaid about the 19. or 20. yeeres of the Qu. Paulettes most gracions raigne that now is, did demise the said mesuage and land in E. afozesaid unto your said Wzatoz, and one A. L. Gentl, to haue and to hold to them for the terme of 21. yeeres from the time of the making thereof, rendering therfore yeerely the rent of 20. s. payable at Whitsontide and Martinmas by even portions, for the payment of which said rent of 20. s. he the said B. knowing himselfe the title thereof to be questionable, and likely to grow to some charges inlaw to your saide Wzatoz to defend, did therfore cunningly get your saide Wzatoz to become bound in an obligation of 20. l. for the yeerely paiment of the said rent accordingly unto him the said B. after which lease and bond so made, as afozesaid, and also immediately after your said Wzatozs entry into the same, the title therof was so defended against your said Wzatoz, by such as claimed the same against him the saide B. as that the charges thereof spent about the reconering thereof, did stand your said Wzatoz in about 20. nobles, besides the great trauell & losse of time that your said ozatoz sustained thereby, being yet altogether unrecompenced at the saide B. hands, although he often promised to haue some consideration

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deration thereof towards your said ozatoz. And whereas also since and immediately after that time, he the said J. L. likewise in the right of his said wife pretended to haue right vnto certaine copihold lands lying in the parish of C. aforesaid, then being in the occupation of your said ozatoz and other persons, soz the triall whereof, there being certaine actions depending in the copihold court at Southwell, it was notwithstanding before the triall thereof, aswell by the consent of the said B. of the one partie, as also by the assent of your said ozatoz, and the defendant on the other partie, referred to order and arbitrement of one P. B. and J. B. esquires, that they should order and determine, aswell the right, as the possession of the saide copihold lands so then in question, which said P. B. and J. B. Esq. being willing the controuersies might haue a good and final end, and yet themselves having no good opportunitye to attend the same, did therefore intreate aswell the said J. B. as also your saide ozatoz and the other, that it might stand with their likings, that one P. C. and W. M. of P. soz that they were better acquainted with the interest of both the parties, might therefore order and make an end thereof in al points, as should seme good vnto them, whereunto aswell the said B. as also your said ozatoz, with the rest agreed, promising to performe any such order as they the said C. and W. M. should in that behalfe make and agree vpon: whereupon the said P. C. and the said W. M. taking vpon them the said arbitrement, did thus, or to the like effect, order, agree, and publish their order & award, that your said ozatoz should still enioy and continue his possession of the said copihold lands, soz, and during so long time as the wife of the said B. should liue, paying yearly soz the said copihold land, vnto the said B. 4. s. rent, and soz that he the said B. received also another rent of 20. s. by the yeere, at two seuerall times of your said ozatoz, soz the fræhold land aforesaid, they the said arbitratozs, soz the moze ease and certainty of him the saide B. did further order and appoint that your said ozatoz should also pay the said 4. s. rent soz the copihold land, at the same time that the other rent soz the fræhold was bled to be paid, which was at Whitsonside and Martinmas, so that from thenceforth, he your said ozatoz should yearly pay at the daies aforesaid, the whole and entire summe of 24. s. at euery of the said feasts. And also soz that the said arbitratozs did well foresæ, that the said iutire paiement of 24. s. at one day and instant, could not conveniently be paid on the seuerall lands, out of the which they in trueth and law were seuerally issuing, soz that the said fræhold and copihold land be distant in seuerall places, therefore the said arbitratozs, soz the moze ease and certainty of him the saide B. did order and appoint, that your saide ozatoz should yearly at the daies aforesaid, or within xiiij. daies after euery of them,

pay the saide rent of xij. s. at the house of one W. W. of sp. being a friends house of him the said B. and also far nêxer vnto the said B. his dwelling, then the land it selfe is, vnto which said order and arbitrement, he the said B. together with your said ozatoz did willingly agree and condescend: and so for the space of vij. or viij. yeares last past, the said B. hath alwayes received his rent accordingly, at the house of the said W. W. of sp. aforesaid: Notwithstanding so it is, if it may please your good L. that the said J. B. meaning, as it seemeth, not onely contrary to the said order and award, but also contrarie to all right and equity, and good conscience, subtilly and extreamely to take aduantage of your said ozatozs bond of twenty pounds, hath refused to receive your said ozatozs last whittontides rent, ready for him at the said W. W. house in sp. aforesaid, according to the said order and award therein made, as aforesaid. Pay it therfore please your good &c.

A Bill for payment for cattell sold, without present money, or especialtie, by reason of trust reposed in the vendee.

Humbly complaining, sheweth vnto your good L. your bailie or ozatoz W. B. of B. in the Countie of B. Butcher, That whereas your said ozatoz about six or seven yers now last past, sold and deliuered vnto one R. W. of the same towne and countie Butcher, by steres, and b. oren, being all fat cattell, for the price xl. l. and r. s., which said summe of forty l. and ten s. the said R. W. then faithfully promised to pay vnto your saide ozatoz within a short space then after, and now long sithence past, or else when your said ozatoz would require and demand the same of him the said R. W. of which said bargain & securitie for the said mony, your said ozatoz was then lesse carefull, for that your said ozatoz not long befoze, had bene seruant vnto the saide R. W. and so that the said W. had bene master vnto your said ozatoz, therfore your said ozatoz did trust him the said W. so well, as that he neither toke any specialty or securitie of him the said W. for the said summe of xl. l. and r. s.; nor provided any witnesses to be present and to testifie the same bargain and contract betwixt them, but onely priuately betwixt themselves contracted the same. And likewise your said ozatoz priuately deliuered the said bj. steres, and b. oren, vnto him the said R. W. vpon trust, and performance of his priuate speech, and promise of payment thereof as aforesaid, whereupon the said R. W. then presently received the said bj. steres, and b. oren at your said ozatozs hands, and did presently afterwards convert the same to his owne proper vse and benefit: befoze the mony paid by him the said W. vnto your said ozatoz for the same, &c. Pay it therfore please your &c.

Secl. 112.

Sec. 113.

The said defendant reioyneth and saith in all and euery thing and things, as he in his said answer hath saide, and both and will auerre, iustifie, maintaine, and pꝛoue the same answer, and all and euery thing and things, clause, sentence, article, and allegation therein contained, to be good, iust, and true, certaine, and sufficient in the lawe to be replied vnto, in such sort, manner, and forme, as the same bene therein most truly set forth and declared. And this defendant further saith, that the said Replikation of the said complainant is very incertaine, vntrue, and insufficient in the lawe to be reioyned vnto by this def. for diuers apparent faults and imperfections therein contained, And that the same is so contrived and made, by the said complainant for the causes in the said answer expꝛessed, and to the end to giue some further colour, or rather shadow for the maintenaunce of the said Bill without cause in this Ho. Court, to the vniust beration of this def. as may appere, for that, the the said compl, by the sinister meanes of one *L. P.* who as it is said, procureth and solliciteth the same suite for the said compl against this def. hath without all order, as he is informed, caused him being a plaine simple vnlearned man, to become bounden by obligation, for the pꝛoceding in the said suite of this def. and with such condition whereof this defendant is vtterly ignozant, of al which this defendant hopeth this honozable Court will haue due consideration for the punishing of such lewd and indirect courses and actions therein vsed. And without that, that any other matter, thing or things, clause, sentence, article, or allegation in the said Repl contained materiall or effectuell in the Law to be reioyned vnto by this defendant, and not here in this his reioynder sufficiently reioyned vnto, confessed, and auoided, denied, or trauesed, is true. All which matters this def. is ready to auerre and pꝛoue, as this Hon. Court shall alward, and therfore pꝛaieth as he befoze in his said answer hath pꝛaied.

A Bill vpon putting one to seruice with promise that the seruant shall serue truly, and that the defendant will satisfie all damages, which shall happen to the Master by the same seruant &c.

Sec. 114.

Humbly complaining, sheweth vnto your Hon. Lo. C. C. of the towne of *W.* in the Countie of *S.* Gentleman, That whereas *S. P.* daughter of *S. A.* of the towne of *A.* in the Countie of *W.* about two yeres now last past, being desirous to serue your said *D.* rator, and his wife, then dwelling at *Rotherham*, at an Inne there called the signe of the Angell in the said countie of *W.* was entertained into their seruice, at, and vnto the further intreatie of the said *S. A.* and vpon

vpon her faithfull promise vnto your said W^orsh^o then giuen & made,
 that the said W^orsh^o her daughter should during the time of her seruice and
 abode with your said W^orsh^o, honestly, faithfully, & truly behaue her
 selfe, & serue your said W^orsh^o and his wife in al lawfull businesse, and
 that if any losse or prejudice should befall vnto your said W^orsh^o, throughe
 either negligence, default, or abuse of the foresaid W^orsh^o. in any respect.
 that then the saide A. would vpon notice to her giuen in that behalfe,
 by your said W^orsh^o of such losse and detrimēt in that behalfe sustained,
 satisfie & recompence your said W^orsh^o for the same to the uttermost
 value thereof. By reason whereof your foresaid W^orsh^o entertained
 and receiued the foresaid W^orsh^o into his seruice, as is aforesaid. And ther-
 vpon the wife of your said W^orsh^o deliuered vnto the sayde W^orsh^o. to her
 only charge and custodie, many & sundry parcels of plate, linnen, & also
 other necessarie things, for your foresaid W^orsh^os behalfe. In which
 said seruice the said W^orsh^o remained with your said W^orsh^o by the space
 of one whole yere then next following. Now so it is, if it may please
 your said W^orsh^o Ilordship, during the time of the abode of the foresaid W^orsh^o
 in seruice with your saide W^orsh^o, as is aforesayde, the foresaide W^orsh^o
 did not onely secretly and priuily deliuer vnto the foresayde A. & her
 mother, diuers of the said parcels of plate, linnen, and other utensils of
 your said W^orsh^os, to the full value of 20. markes, or thereabouts, to
 and for the vse & behalfe of the sayd A. But also during the sayde time,
 converted sundry other parcels of goods & summes of money receiued of
 guests that resorted to the sayd house, appertaining to your sayde W^o-
 rsh^o, vnto the onely vse & benefit of the said W^orsh^o her selfe. By meanes
 whereof your said W^orsh^o was greatly prejudiced and hindered to his
 losse of 30. or 40. l. or thereabouts, vpon which occasions your said
 W^orsh^o was enforced to put the said W^orsh^o forth of his seruice. And al-
 though your said W^orsh^o hath diuerse and sundry times hertofore no-
 tified & made knowne vnto the sayd A. the losse and hinderance, by her
 sustained, as is aforesaid, by and throughe the negligence, default, and
 abuse of the said W^orsh^o. as is aforesaid, and hath required recompence and
 satisfaction for the saide goods so deliuered and converted to the vse of
 the said A. & W^orsh^o. as is aforesayd, according to the promise of the said A.
 made to your saide W^orsh^o vpon the entertaining of the sayde W^orsh^o into
 his seruice, as is aforesaid, yet the said A. & same to do hath heretofore
 refused and denied, & still both refuse & denie to do, contrary to her pro-
 mise & assumption aforesaide, & against all right, equitie, & conscience.
 In consideration whereof, and soasmuch as your said W^orsh^o is not
 able to make any due proofe, neither of the certaintie or quantitie of
 the plate, linnen, and other goods so secretly deliuered to the sayde A.
 by W^orsh^o. during the time of her seruice, as is aforesayde, or of the sayde

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other gods, converted by the said *W.* to her owne use, as is aforesayd, noz of the promise made by the said *A.* unto your said *M.* upō the retaining of the said *W.* into his seruice, as is aforesayd, by reason the same was in secret betwē themselues, without calling any other to witnesse the same, wher by your said *M.* by the strict rule & course of the common lawes of this Realme, hath no ordinary means for recovery of the same, but onely by suit befoze your *H.* Lordshippe in the *Quenes Maies.* high Court of Chancerie, by the othes of the said *A.* and *W.* in whose priuities all the premises principally lie, & whō your *M.* thinketh vpon their said oathes will reueale, and manifest the truth and circumstance of the same: the premises considered, *Pray* it therfoze please your good Lordship to grant vnto your said *M.* the *Q. Maies.* most gracious writ of Subpœna to be directed to the said *A.* and *W.* and either of them, cōmanding them therby not only to appear befoze your *H.* in the *Q. Maies.* high Court of Chancerie, at a certaine day, and vnder a certaine paine therein to be limited and assessed, then & there to answer to the said premises, but also to stand so and abide such further order & direction therein, as to your *H.* wisdome shalbe thought fit and conuenient, & your said *M.* that daily pray vnto God for *H.* long cōtinuāce of your *H.* in health & prosperitie.

The ioint and seuerall answers of A. S. and M. S. defendants to the Bill of complaint of C. T. complainant.

Se^{ct.} 116.

The said defendants say, and either of them, for himselfe seuerally saith, That the said bill of complaint against the exhibited into this honozable court, is very vncertaine, vntrue, & insufficiēt in the law to be answered vnto by the said defendants, o: either of them, for diuers manifest & apparant faults and imperfections therein cōtained, & deuised & exhibited into this honozable court of wicke malice & enuie, onely to the intent, not only to bere & trouble the defendants, being very vnable and vnmet vpon the sudden, with long & tedious iourneys to make their personall apparances in this *H.* Court, being aboue 120. miles distant from the towne of *A.* in the Countie of *Y.* where these defendants now dwell, but also so weary the defendants in such sort, that they might extort and wyng from these defendāts some consideration for the stay of the foresaid suit, be it neuer so vntrue, & without any iust cause o: colour of cause so to doe, neuerthelesse, if these defendants shal by the order of this honozable court be compelled to make any further o: other answer to the said vncertaine and insufficient bill of complaint, the the aduantage of exception to the manifest incertaintie and insufficiencie of the same bill of complaint to these defendants,

and

and either of them at all times hereafter saued, so; answer therunto, and so; a manifest declaration of the truth, touching the cōtents of the same bill, these defendants say, and either of the so; himselfe severally saith, that about the time mentioned in the said bill of cōplaint, he sayd *pp.* the other of these defendants was entertained to serve the said complainant and his wife so; the terme of one yeare, next ensuing the time of such her retainer, so; *rbj. s.* wages so; the same yeare without the knowledge of the said *A. St.* the other of these defendants, untill that the said *pp.* was so with them retained. And these defendants further say, that by vertue of the same retainer, the said *pp.* did honestly, faithfully, & truly behaue her selfe, & did serve the said complainant and his said wife in all lawfull businesse accordingly, during all he said yeare, and that to her knowledge no losse no; prejudice did befall vnto the said complainant through the negligence, default or abuse of he said *pp.* in any respect during the same yeare. And that in the end thereof she departed from the with their fauour & good wil, at her owne request, without that, that she the saide *pp.* was entertained in their sayde seruice, at & vpon the entreaty of the said *A. S.* & vpon her faithfull promise vnto the said complainant then giuen & made, that the said *pp.* her said daughter should during the time of her seruice and abode with the said complainant honestly, faithfully, and truly behaue her selfe, serving him and his said wife in all lawfull businesses, and that if any losse or prejudice should befall vnto the sayde complainant through the negligence or abuse of her the sayde *pp.* in any respect, that then she the said *A. St.* vpon notice to her giuen by the said complainant, of such losse & detriment in that behalfe sustained, would satisfie and recompence the said complainant so; the same to the uttermost value thereof, or that by reason thereof the same complainant entertained & receiued *pp.* in his sayde seruice, as in the sayde bill it is vntreuely alleaged. And the said defendants further say, that albeit she the saide *A. S.* hath made vnto the sayde complainant any such promise as he in his bill of complaint supposeth (as in very truth she did not) yet were the same promise void in law, and of no validitie or force to bind her thereby, so; that the said *A.* at the time of the sayde surmised promise was conuert with *J. S.* her husband. And without that, that vpon such promise the said wife of the said complainant deliuered vnto the sayd *pp.* to her charge and custody many parcels of linnen, and other necessary things and furniture so; the sayd complainant his behalfe in any other manner then as to every other ordinary seruant in the same house in the like case, without taking vpon her any speciall charge so; the keeping thereof, as in the sayde bill of complaint it is very vntreuely alleaged, and without that, that during the same time of the sayde abode of her the

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said *q^d*. in seruice with the said complainant, as aforesaid, the said *q^d*. did either secretly deliuer unto the sayde *A. S.* her said mother diuers *o^r* any of the said parcels of plate, linnen, and other goods, for the vse, & behoofe of the said *A. S.* *o^r* during the sayd terme connected sundry *o^r* any other parcels of goods and suits of mony receiued of guests that resorted to the said house, appertaining to the saide complainant, vnto the vse & benefit of the said *q^d*. her selfe, by meanes whereof the said complainant was greatly preiudiced and hindered, to the losse of 30. *o^r* 40. *l.* *o^r* thereabouts, *o^r* that vpon such occasions the sayd complainant was enforced to put the said *q^d*. from his seruice, for that the said complainant hath diuerse and sundry times heretofore notified and made knowe vnto the said *A.* the losse and hurt he sustained, as is aforesaid by and through the negligēce, default, & abuse of *h^e* said *q^d*. as is aforesaid, & requirēs recompence and satisfacciō for the said goods so supposed to be deliuered, & conuerted to the vse of the said *A.* & *q^d*. as is aforesaid, as in the saide bill of complaint is most vntreuely alleaged. And without that, that any other matter, thing *o^r* things, clause, sentence, article, *o^r* allegation in the said bill of complaint containned, materiall *o^r* effectuell in the Law to be answered vnto by these defendants, *o^r* either of them, and not herein in their answer sufficiently answered vnto, confessed, and avoided, denied, *o^r* trauesed, is true: all which matters these defendants, & either of them, are ready to auerre & proue as this *W. Court* shall award, and therefore they pray to be dismissed out of the same court, with their reasonable costes and charges in this behalfe wrongfully and without cause sustained.

The Replication to the same Answer.

Sec. 116.

The said complainant sauing to himselfe all aduantages of exception to the incertainties and insufficiencie of the said defendants answers, for replication saith as he befoze by his sayd bill hath sayd. And both & will auerre, iustifie, & maintaine his said bill, & all & euery thing & things therein contained to be good, iust, and true, in such sort, manner & sojme, as in & by the same is most truly set forth & declared. And that the answers of the said defendants are vncertaine, vntreue, and insufficient in the law to be replied vnto for diuers vntreuths and imperfections therein contained, without that, that the sayde *q^d*. one of the said defendants did honestly, faithfully, and truly behaue her selfe in the seruice of the sayde complainant, as by the same defendants in their sayde answers is vntreuely alleaged, for this sayde complainant saith, as he befoze by his sayd Bill hath sayd, that the sayde *q^d*. one of the saide defendants did secretly deliuer to the sayd *A.* the other defendant diuers parcels of the goods of the sayde complainant, that the

the said defendants most wrongfully detaine & withhold fro him þe said complainant against right and equitie, & further the said complainant saith, and will auerre & proue, that the said A. one of þe said defendants did giue her faithfull promise to satisfie & pay vnto the said cōplainant the uttermost value of euery losse or hynderance the sayde cōplainant should sustaine by the said D. as by his bill is most truly set forth and declared, without that, that any other matter or thing in the sayd defendants answer contained materiall or effectuall, to be replied vnto, and hereby not sufficiently replied vnto, is true. All which matters the said complainant is ready to auerre and proue, as this honorable court shall award, and praieth as he befoze by his said bill hath prayed.

A Bill for entring into and detaining copihold lands sold by the defendant to the plaintiffes Grandfather, which descended to the plaintiffe, being an infant, the said entrie being made, by reason that the copie and court-roll of the said bargain came to the defendants hands.

Humbly complaining the weth vnto your honorable L. your daily Sect. 117.
 Dato: J. W. of W. in the Countie of Dorset the gentleman, That whereas about the xxij. day of September, in the 3. yeare of þe reigne of the late King of famous memozy Edward the 6. one Christopher Barter late of J. in the said Countie husbandman, was lawfully and rightfully seised in his demesne as of fee, as a Copyholder, according to the custome of the Mannor of the pzevend of Laghton, in the sayde Countie, of, & in one customary mesuage or tenement, & one Organge of land, with thappurtenances in J. alsozefayd: & in another mesuage or tenement, and 30. acres & a halfe of land with thappurtenances in J. alsozefayd, and he being thereof so seised about the time alsozefayd for a certaine great summe of money to him paid by J. W. of W. alsozefayd, grandfather of your said Datoz, did surrender according to the custome of the said Mannor, the said customarie tenements & pzemises, with thappurtenances, into the hands of the then Lord of the sayde Mannor, to the vse of the said J. W. the grandfather and his heires for euer: by force whereof the said J. W. the grandfather was thereof admitted tenant accordingly, & was of the same as a copibolder lawfully seised in his demesne, as of fee, by, and according to the custome of the said Mannor, & the rents, issues, & profite thereof arising & growing, did likewise lawfully take and conuert to his owne vse, by the space of diuers yeares, and afterwards the said J. W. the Grandfather being thereof so seised of the sayde tenements and pzemises, died thereof so seised, about the second yeare of the reigne of the Quenes most excellent Maestie that now is. By and after whose death the sayde tenements

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ment s and pzemisses descended & came, & of right ought to descend and come vnto your sayds Wzatoz, bearing then of very young and tender yeres, viz. about the age of five yeres, as next cosin and next heire vnto the said J. W. the grandfather, that is to say, sonne of W. W. sonne and heire of the said J. W. the grandfather: but now so it is, if it may please your god L. that after the death of the sayds J. W. the grandfather, all the copies of Court rols of the said mannoz, & the very Court rols themselves concerning the pzemisses, did by casual meanes come vnto the hands, custodie, and possession of the said C. W. & one T. G. of W. in the said county of handmā, & to the hands of one of them, which they & the one of them haue cancelled & defaced, intending thereby utterly to disinherite your said Wzatoz of the same tenements and pzemisses, & by colour thereof shortly after the death of the said J. W. the grandfather, the said C. W. did wrongfully abate & enter into the said tenements and pzemisses. And euer since his said wrongfull entre, that is to say, by the space of xxiij. yeres, & thereabouts, hath wrongfully occupied the pzemisses & the most part thereof, and receiued & taken & conuered to his own vse, the rents, issues, & profits of the saide tenements & pzemisses, and will not by any meanes permit & suffer your said Wzatoz to enter, meddle, & haue to do therewith. And notwithstanding that your said Wzatoz, not onely by himselfe, but also by his friends, hath in gentle and quiet maner diuers times come vnto the said C. and T. gently requiring them to deliuer vnto him your said Wzatoz the said copies of court rols, & to make reasonable recōprnce & satisfaction vnto him your sayd Wzatoz for the rents, issues, & profits of the said tenements & pzemisses, as is also said by the saide C. wrongfully receiued according to your said Wzatoz his good right and title (hereunto, yet to do, they & either of them haue euer hitherto refused & denied, & yet do refuse & denie to do the same against al right, equitie, & good conscience, and to the disherison of your said Wzatoz, of, and in the pzemisses, & to his great losse and hinderance, if speedy remedie be not by your god L. in this W. court speedily provided to prevent the same. Intender consideration wherof, and soz so much as your said Wzatoz not knowing the certain number, dates, & contents of the said copies and Court rols, noz wherewith they & any of the be contained in bag, boze, & chest, locked, sealed, & open, is therefore without al remedie, by the due course of the common lawes of this Realme to recover the same, & soz lacke thereof your said Wzatoz is very like to lose the said tenements and pzemisses, & soz that also, & the contents of the said bargain and surrender of the said tenements and pzemisses, so as is also said, made betwene the said J. W. grandfather, and the saide C. W. cannot now otherwise be proued then by answers of the saide C. W. and T. G. made vpon their oathes in this honorable

Honorable Court, all such persons as were witnesses of the same bargain, being now either dead, or else utterly unknown unto your said Writors, being so young, as it is aforesayde, at the time of the making of the same. May it please your H. Lordshippe to grant unto your said Writors the Qu. Pleines most gracions writ of Subpena, to be directed unto the said C. & L. straightly commanding them and either of them, at a certaine day, and under a certaine paine therein to be limited, to appeare befoze your L. in her Pleines high Court of Chancery, then and there to answer to the premisses, and to abide such order and direction therein, as to your L. shal seeme to stand with right, equity, & good conscience, and your said Writors shall daily pray to Almighty God for your honour in good health long to continue, &c.

A Bill by the husband and wife, as Guardians to her child for evidences.

IA most humble wise complaining, sheweth unto your good Lord, Sect. 118.
 Writor, your poze and daily Writors J. W. of B. in the Countie of W. yeoman, and J. his wife, late the wife of J. S. the elder of B. aforesayd yeoman now deceased. That whereas the sayde J. S. in his life time was lawfully seised in his demesne, as of fee, of, and in one messuage or tenement, commonly called H. and of, and in certaine lands, meadow, and pasture, and other hereditaments, with shapartmentances, to the sayd tenement belonging, and with the same usually occupied, seignate, lying, and being in B. aforesaid. And he the said J. S. being of the premisses so seised, did in his life time convey and assure the same unto certaine persons, and their heires, to the vse of the said J. and of the sayde J. then his wife, and of the longer liver of them, without impeachment of waste. And after their deceases, to the vse of the heires of their two bodies lawfully begotten, with divers remainders over, by force whereof the saide J. S. and the said J. then his wife, were thereof seised accordingly. And so seised, the said J. S. about thre yeares now last past, died seised of such estate, as aforesayde, having issue betwene him and the said J. one J. S. an Infant of the age of two yeares, or thereabouts. After whose death the said J. held her selfe in the said messuages and lands, and was thereof seised accordingly. And so seised, toke to husband the said J. W. the other of your sayd Writors, by force of which entermarriage the said J. W. and the sayde J. were lawfully seised of the premisses, as in the right of the sayd J. And your sayde Writors have also the custodie of the said J. the Infant, rightly belonging to the said J. his mother as Guardian in Dotage. Now so it is, if it may please your good Lordshippe, that certaine deves, evidences, and writings, touching

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and concerning the premises, and of right belonging to your said *Watoz*, and the said infant, or to the one of them, are casually come to the hands and possessions of *M. C. of B.* also said, & *J. S. of W.* being kinsman unto the sayde *J. S. of B.* the elder deceased, who by colour of having the said deeds, evidences, & writings, have wrongfully entred into the premises with thappurtenances, & thereupon have contrived certaine secret estates unto diuers persons, unknowing to your sayde *Watoz*, & by colour thereof, they the said *M. C. & J. S. of W.* the one of them of late time hath wrongfully entred into the premises, and hath receiued & taken the issues & profits of the premises, or some part thereof, from your said *Watoz*, and although your said *Watoz* have diuers and sundry times gently requested the said *M. C. & J. S. of W.* to permit & suffer your said *Watoz* quietly to haue & enjoy the same premises, and to deliuer unto your said *Watoz* his said deeds, evidences, and writings, touching and concerning the premises, & which of right do belong and appertaine unto your said *Watoz*, & to the sayde *J. S. the infant*, yet they the same to do haue hitherto refused, and yet do refuse, contray to al right, equity, & good conscience, which is likely to turne, not onely to the losse and hinderance of your sayde *Watoz*: But also to the preiudice and disinheritance of the said infant, if speedy redresse herein be not had by your good Lordshippe. In consideration whereof, and sozasmuch as your said *Watoz* does not knowe the certaintie nor certa in number of the said deeds, euidences, writings, nor whether the same be contained in bag or bore, sealed, or in chest locked, and so your *Watoz* and the said infant are without any ordinary remedie, for the recoverie of the same by the common lawes of this Realme. And for that your said *Watoz* doe hope, if the same *C. & S.* wil vpon their oathes in this *W. Court*, cōfesse the certaintie & truth therein, where the said evidences are to be had, or to whō they haue deliuered the same. *Shal* it therefore please your good Lordship, the premises considered, to graunt unto your said *Watoz* the *Duēnes Waisties* &c.

The Answer of the same.

Sect. 119.

The said defendants say, and enery of them generally saith, that the said bill of complaint is very vncertaine, vntreue, & insufficient in the law, to be answered vnto for diuers manifest defaults and imperfections therein contained, and framed, & exhibited into this honorable Court, as these defendants hereby thinke of malice and euill will; to the intent to put these defendants to great trouble, charges, and expences to make their personall appearance in this honorable Court, the saide defendants dwelling in *B.* also said, in the sayd County of *D.* which is 120. miles distant from the Citie of Westminster, and without

without any iust cause to do so, and the said defendants further say, that
 as the said bill of complaint is made, and the said bill of complaint is
 true as in very truth they are not, yet were the same true in truth, to
 be determined by the common lawes of this Realm, and not in this
 honorable Court; whereunto these defendants pray to be admitted
 with their reasonable costes, charges, and damages in this behalf
 lawfully and without iust cause sustained; yet notwithstanding, if they
 shall be compelled by the order of this Court, to make any ratification
 or other answer unto the said uncertain and insufficient bill of com-
 plaint, then the advantage of exception to the uncertainty and insuffi-
 ciency thereof to these defendants and either of them at all times
 hereafter saved, say further answer therunto; and say a full and plain
 declaration of the truth, say that they think it to be true, that the said J.
 S. was in his life time lawfully seised in his baronie of O. of, and
 in the said messuage or tenements commonly called the H. of, & in
 certain lands, meadow, and pasture, and other hereditaments with
 the appurtenances to the said tenements belonging, and with the same
 usually occupied, situate, lying, and being in B. of, of which the
 said bill of complaint is alleaged, but the said defendants further say,
 that the said tenements in the said bill of complaint contained in the
 perely believe, are holden of the right hon. C. Earle of S. of his man-
 nor of C. in the said countie of D. by knights service, & by the yearly
 rents of two shillings. And that he being thereof seised, and the said
 Earle being also seised in fee, of the said mannor, as these defendants
 think, died thereof seised; by and after whose death the said ten-
 ements and premises in the said bill mentioned, descended and came
 to the said J. S. the sonne, as sonne and heire of the sayde J. S. deca-
 ses, who is yet within the age of one and twentie yeares, by meanes
 whereof the said Earle after the death of the said J. S. the father as
 guardian of the said J. S. infant, during his minority, by reason of the
 tenure aforesaid, seised the body of the said J. S. the infant, about that
 that to the said defendants knowledge, the said J. S. the father being
 of the premises seised in fee, did in his life time convey and assure the
 same premises unto certain persons, and their heires, to the use of the
 said J. S. and of the said J. then his wife, and of the longer liver of ei-
 ther of them, without impeachment of waste, and after their decease to
 the use of the heires of their two bodies lawfully begotten, in three
 remainders over, as in the said bill of complaint is truly alleaged, or
 that to these defendants knowledge, by force thereof the sayde J. S.
 and the sayde J. S. then his wife being thereof seised died hereof
 seised, or that to these defendants knowledge, after his death the sayde J.
 held her selfe in the sayde messuages, lands, and premises, and was
 thereof

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thereof in said accorde, by force of any such conuolance, as that
 said being thereof in said, to the husband the said J. W. as that
 by force of the said intermarriage the said J. W. and the said J. in
 the knowledge of these defendants, were so lawfully seised of the said
 premises, in the right of the said J. as in the said bill is alleged.
 And without that, that to these defendants knowledge the said J. W.
 and J. have the custody of the said J. the infant rightfully belong-
 ing to the said J. as Guardian in Marriage, as in the said bill is likewise
 alleged; And without that, that any deeds, evidences, & writings,
 touching and concerning the premises, and of right belonging to the
 said Infant, as to one of them, are casually come to the hands, custo-
 dy, and possession of the said def. either then such deeds, evidences, and
 writings, as the said J. in deliver unto the said J. the one of these
 defendants, which be the said J. about one yeare now last past, or
 more, upon the receipt of the Dn. Chauncellors writ of Subpœna delive-
 red to J. the late of W. Hall in the Countie of W. Gentleman, to the
 use of the said Infant, which as he remembereth was done by appoint-
 ment and agreement of the said J. And then another side reads of a
 writing, which contains the words following, as the very like
 in effect and meaning, by

Sciatis presentes & futuris quod ego Io. filius Tho. de B. dedi concessi
 & hac presenti charta mea confirmavi Duranto de Toxdwood pro ho-
 may, & seruicio suo, et pro quadam pecunie summa mihi prae mani-
 bus soluta totam certam meam que vocatur le Haute chiffe in terri-
 torijs de B. cum boscis, pratis, pascuis, pasturis, et omnibus suis pe-
 tinencijs, sine aliquo retento, que iacet integre in latitudo inter viam
 que ducit versus B. terram quam L. de L. quondam tenuit, et extendit
 se in longitudine de meta de B. vsque ad terram Abbat' de R. et terram
 que fuit A. F. & terram R. de le Scagh, una cum tota illa terra cum do-
 minibus et edificijs in ea factis, cum omnibus suis pertin', quam R. de T.
 quondam tenuit, que iacet integre inter terras, &c. And without y^t that
 any other matters, &c.

A Bill to be discharged of a Recognisance for the saving of lands sold bar-
 nacle for that release made thereof by which hee seemeth to bee dismissed,
 was either made in trust or by surrender before the said bargain, with an
 answer, replication and rejoinder to the same bill.

Sect. 110.

Complaining sheweth into your hon. Lordshippe Geo. Carle of
 Shrotonbury, that whereas Sir W. S. knight Lord B. de-
 sed, in his life time, about 9. yeares now past, was lawfully seised of
 an estate of inheritance amongst other lands and tenements, of the third
 part

part of the scite and mansion house of y^e late dissolved Abbey of Spawncroft
 of y^e Dioc^y of B^e. in the Countie of M^e. and of all and singular messu-
 ages, houses, edifices, buildings, orchards, gardens, fishings, ponds,
 lands, tenements, woods, and pastures, and all other hereditaments, and
 the appurtenances to y^e said scite belonging, the said lastm^d was parcell of
 y^e said and afterwards in the occupation of one W^m. the said L^d. of B^e. be-
 ing thereof seised about the 16. day of December in the 7. years of
 the Reigne of our Soueraigne Lady the M^o. of B^e. did then that within
 of speciall and secret trust & confidence by him y^e said L^d. of B^e. disposed in
 one W^m. S. of B^e. in the countie of M^e. gentleman, and W^m. his wife of
 one of them, did make an Indenture bearing date the 16. day of Dec^r.
 in the said 7. years of a demise of the said third part of the sayde scite,
 lands, tenements, and hereditaments with thappurtenances to the
 said W^m. S. and W^m. his wife, to have and to holde the same unto the
 said W^m. S. and W^m. from the decess of R. S. of B^e. for y^e during y^e term
 of xj. years then next ensuing, as by the said Indenture appereth.
 And deliuered y^e said Indenture to be deliuered as his deede; wherby the
 said W^m. S. had performed certain conditions & agréments betwene
 them made, vpon which Indentures made by them, it was then in-
 tended and agreed that the said W^m. S. and W^m. his wife, or thier execu-
 tors or assigns, or any of them, should take any benefit to thier use of
 y^e same lease should be surrendered, and at all times disposed at the plea-
 sure of the said L^d. of B^e. by force wherof the said W^m. S. and W^m. were
 possessed of the interest of the said terme accordingly, and being ther-
 of possessed, And the said L^d. of B^e. being seised of the said R. of the 3.
 part of these tenements & premises of any estate of inheritance, after-
 wards, that is to say, the 18. day of May, in the xv. years of the reigne
 of our said Soueraigne Lady, the said L^d. of B^e. by Indenture bearing
 date the said day and years, did bargain and sell the said third part of
 the said premises among other things to one J. C. of C. in the countie
 of M^e. Esquire and J. S. of M^e. in the said Countie Gentleman; & their
 heires for ever, by which last recited Indenture, the said Lord of B^e. for
 him and his heires did covenant and grant, to and with the said J. C.
 and J. S. and either of them, that as well the said J. C. and J. S. their
 heires and assigns, as all the said manors, and tenements, by y^e said
 Indenture to them bargained & sold, at thannuall & delivery of th^e
 same Indentures, were discharged, exonerated & saved harmless,
 and from thenceforth at all times; and from time to time hereafter
 to endure, should be discharged, exonerated, acquitted, & saved harme-
 lesse by the sayde W^m. S. and W^m. his heires, executors, or administra-
 tors, of, and from all and singular gifts, grants, leases, charges, and
 incumbrances, had, made, granted or suffered in, or to the premises

as any part or parcell thereof, by the said Lord pp. or by any other person or persons whatsoever, other then the said estate of the said R. S. late Duchesse of S. and certain other things, in, and by the sayde Indenture accepted, as by the said Indenture appeareth. For performance of which covenant of the said Indenture, the said Lord pp. Eagle, the 3. day of June in the sayde 29. years, became bounden unto the sayde J. C. and unto one pp. S. of J. L. in the Countie of B. Esquire, by recognisance knowledged in this high court of Chancery in the summe of two thousand poundes, as theroby appeareth. And shortly afterwards, that is to say, about five yeares now last past, the sayde R. late D. of S. died, and the said J. C. and J. S. entered into the manors, tenements, and premises with thappurtenances, and worre, and yet be thereof seised in their demesnes, as of fee, by force of the sayde conveyance, and the profits thereof arising and coming to their owne use, and yet doe quietly so take the same without any interruption, let, or trouble of the sayde W. S. and pp. his wife, and their assignes, & every other person or persons according to the covenant, true intent, and meaning of the said Indenture of bargain & sale. And afterwards that is to say, about five yeares now last past, the said Lord pp. for the summe of five thousand poundes, or thereabouts, did bargain and sell to the said Earle and his heires, the manor of B. in the Countie of P. and divers other lands and tenements in B. and other places in the said countie, by forces whereof the said Earle was thereof lawfully seised in his demesne, as of fee, and the issues and profits thereof arising and growing, did quietly take and convert to his owne use, from & since of the bargain, during all the life time of the said Lord pp. and W. S. which was by the space of 3. yeares after the death of the sayde Duchesse or thereabouts. And afterwards, that is to say, about 5. yeares last past, the said pp. died, since whose death the said J. C. pp. S. J. S. T. W. D. W. pp. and J. L. and the sayd pp. late wife of the sayde W. S. and executrix or administratrix of the said Will, as the sayd Earle is informed, by the agreement and conjuncture of C. W. of pp. J. and the Lady Elizabeth his wife, daughter and heire of the said Lord pp. Eagle, having gotten into their hands the sayd Indenture of demise, albeit that the said R. performed not the conditions and covenants betwene him the said Lord pp. amongst themselves, did controule and frustrate the said trust reposed by the said Lord pp. in the said W. S. and pp. in the one of them to the intent to extend the sayd recognisance of two thousand poundes, upon the sayd manor of B. And such other landes and tenements as the sayde Earle hath purchased of the said Lord pp. contrarie to the good meaning of the sayde Lord pp. contrary to the great trust and confidence by him reposed

to the said W. S. & P. his wife, & the true meaning of the said Indenture of lease. And so; that purpose haue procured the said estate & interest of the said W. S. and P. of the said third part to be conveyed to the said P. to the intent that the said W. S. should enter into the said third part so leased, as is aforesaid, to disturbe the possession of the said C. and F. S. which he hath done accordingly, to the intent that thereby the said J. C. and P. S. might haue same colour to extend the sayd Recognisance of two thousand l. against the said Earle, notwithstanding that the said J. C. & F. S. euer since the entrie of the said P. haue quietly occupied the said demised third part, and yet doe quietly occupy the same, not hauing had any damage thereby to the value of xlii s. by reason of the said lease, All which notwithstanding, if it may please your god L. the said P. S. F. S. & J. C. haue procured execution of the sayde Recognisance of two thousand li. to be sued against the sayde Earle by proces out of this honozable Court, according to the forme and effect of the said Recognisance, so; y as they suppose the said third part is charged with the said lease thereof made to the said S. and his wife, and assigned by the said S. to the said W. S. who by force thereof hath entred into the sayd third part, and disturbed the possession of the said J. C. & F. S. and their assigns, And so; that by means thereof the said manors, lands, and tenements to them bargained & sold by the said Lo. P. in forme aforesayde, were not saued harmless by the said Lo. P. or his heires of, & from all & singular leases had, made, or granted of the said manors and other the premises mentioned in the said Indenture of Bargaine and sale, according to the forme and effect thereof, which said practise and compact is much against the said trust and meaning of y said Lo. P. reposed in y said W. S. & P. his wife, & against the true meaning of the said Indent. of lease and Recogni, tending to the great losse and damage of the said Earle, and against all right, equitie, and god conscience, if the said purpose should not by equitie and consideration of this honozable Court be repented and met withall: In consideration whereof, and so; so much as, aswell y said trust touching the sayd lease as the said compact and agreement amongst the sayde parties to extend the sayd Earle his said lands by reason of the sayd Recognisance by matters secretly agreed vpon amongst themselves, the sayde Earle not knowing any witnesses which were present at the making thereof, so that the said Earle can very hardly make such pfove in this hon. Court thereof, or of the sayde conditionall deliuerie of the sayde Indenture, as is necessary in that behalfe, vnlesse the said parties or some of them will confesse the same in their answers vpon their oathes in this honozab. Court, as the said Earle verely thinketh they will. And so; asmuch also as it is very

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likely, that the said Lo. sp. would neuer haue entred into the sayd recognisance of 2000. li. for the performance of the sayd Conenants of the sayde Indenture of bargain and sale, without making exception therein of the sayde lease, if the sayde lease of the sayd third part before the making of the sayde Indenture of bargain and conueyance, had not bene so deliuered of credit and of trust frustrated or granted, or ner to the said W. sp. or some other by the consent and agreement of the said J. C. and J. S. for their benefit, for the auoiding of new charges growing betwene the making of the said lease and the sayde bargain. And albeit aswell the other two parts of the sayde landes, as all other lands and tenements, with thappurtenances, bargained & solde by the sayd Indenture, were and be clearly discharged of all incumbrances, accordyng to the true meaning of the said Indenture, it may therfore please your god L. the pmisses considered, to graunt vnto the said Earle the Qu. Pa. most gracious writ of Subpena to be directed vnto the said J. C. sp. S. C. L. sp. & C. his wife C. D. W. sp. J. C. & sp. commyng them and euery of them, at a certain day & place, and vnder a certain paine therein to be limited, to be & personally to appeare before your god Lo. in the Qu. Pa. high court of Chancerie, then & there to answer vnto y^e pmisses, & to abide such further order and direction therein, as to your hon. shall seme to stand with right, & quietie, and good conscience. And the said Earle, &c.

A Bil for that the defendant by means of entermariage with the wife & executrix of one, who by casuall meanes got the possession of one: deede of demise indented made vnto the plaintife, detaineth the sayd demise and by colour thereof doth occupie the tenements demised and taketh the profits to his own vse.

Sect. 116.

IA most humble wise complaining sheweth vnto your god L. your daily Writoz J. sp. of B. in the Countie of S. That whereas one W. C. of D. within the County of S. did by his deede indented of demise, about the 15. yeare of the Reigne of our Soueraigne Lady the Qu. Paicelie that now is, demise and grant to your said Writoz, ten acres of land, five acres of meadow, and five acres of pasture with the appurtenances, lying and being in B. also said: To haue and to holde to your said Writoz and his assignes, for the terme of xij. yeares, from and after a certaine day therein expessed, if the sayde W. C. should so long live, for the yearely rent of xx. shillings, payable at the least of Id. and Saint sp. the Bishop in winter, by even portions. But now so it is, if it may please your god Lordship, that the sayde Indenture, the certaine date or contents whereof, your sayde Lordships Writoz

toz.

he knoweth not, before the day when the said lease should begin and take effect, did by casual means come to the hands, custody, and possession of one J. W. who made his last Will and Testament, & therein appointed one C. then his wife, his sole executrix and died, by and after whose death the said Indenture came into the hands and custody of the said C. since which time the said C. did marrie, and toke to husband one R. J. of B. by reason of which intermarriage the said Indenture is now come to, and remaineth in the hands, custody, and possession of the said R. J. and C. his wife, of the one of them, who by reason of having of the said Indenture, without any just title, or interest therein have entered into the said premises with thappurtenances, and will not in any wise quietly permit and suffer your L. said Datoz to have and enjoy his said terme, of, and in the premises, according to his lawfull right and interest therein, but contrary to all equitie and good conscience, have ever thence taken and converted, and as yet do daily take and convert the issues to their own proper use and behoofe, and will neither deliver unto your L. said Datoz the said Indenture, nor permit and suffer him to have and peaceably enjoy the said premises, as aforesaid, or any part thereof, although your said Datoz hath at divers and sundry times required them so to do. In consideration whereof, and soasmuch as your L. said Datoz is without all help and remedy at the common lawe, so that he knoweth not, nor remembereth the dates or contents, or any other certaintie of the said Indenture, May it please your god L. to grant her Ma. gracions writ of Subpena to be directed to the said R. J. and C. his wife, & to either of them, commanding them and either of them thereby, personally to appear before your honoz in her Ma. high court of Chancerie at W. at a certain day, and vnder a certaine paine by your honoz therein to be limited, there, &c.

A bill against an Infant for boarding, and apparrell delivered to him by the Plaintiffe, and for not performing of a lease.

In most humble wise complaining sheweth unto your honozable L. your daily Datoz W. T. of B. in the Countie of D. husbandman: That whereas about foure yeares now last past, one G. C. of B. aforesaide yeoman, having seised in his demesne as of fee, of and in divers lands, tenements, and hereditaments with their appurtenances in B. aforesaid, holden in Socage of J. S. as of the mannoz of D. which saide tenements and premises the sayde G. B. had by descent, by and after the death of B. his late father, and the sayde G. B. being thereof so seised, and being of the age of xx. yeares or thereabouts, and under the age of xxi. yeares, about the xxv. day of July which was in

Sect. 122.

the

the thirtieth yeare of the Reigne of the Qu. most excellent Maie. that now is, by meanes, counsaile, procurement, & perswasion of diuers euill disposed persons (that is to say) one A. C. J. M. W. E. C. H. P. H. M. H. & D. A. intending by their vngodly compact and practise to make a prey of the simplicitie of your said Watoz, being an ignorant vblearned man, the said G. B. came vnto your said Watoz, pretending that he did then beare great godd will and fauour to your said Watoz, and therefore intreated your said Watoz that he might boord and remaine with your said Watoz in his house at B. aforesaid, and not only haue meat, drinke, & lodging, but also such apparel & raiment as your said Watoz should thinke mozte and conuenient for his degree and calling, at the costs and charges of your said Watoz, promising faithfully & fully to satisfie your said Watoz for all such charges & expences as he by reason of the premises should in any wise sustaine. Wherefoze your said Watoz giuing credit vnto the said G. B. in the premises, & thinking y^e that he had faithfully promised he would fully & effectually haue performed, did then fully consent & agree, to, & wth y^e said G. B. to find him meat, drinke, lodging, & apparell, as is aforesaid, for the consideration promised as is aforesaid: By p^{re}sence wherof the said D. B. about the same time came to the said house of your said Watoz, and remained there wth your said Watoz, vntill about y^e 2. day of Feb^r. then next following, during all which time your said Watoz at his owne proper costs & charges, did prouide and find for, and vnto the said G. B. all manner of necessary meat, drinke, lodging, apparell, and all other things necessary for him. About which 2. d^{ys} of Feb^r. the said G. B. pretending to continue his saide fauour and godd will towards your said Watoz, by the like counsell, means, and perswasion of the said euill disposed persons, and by their compact & agreement, did demise and lease vnto your said Watoz, al, o^r the most part of al the said messuages, tenements, and premises, that he y^e said G. B. so had, as is aforesaid, by descent from his said father, To haue and to hold the said tenements & premises, with thappurtenances, to him, his executors & assignes, from the feast of the Annunciation of the blessed virgin Marie then next ensaing, vnto the end and terme of 3. yeares then next ensaing, your said Watoz and his assignes, yelding & paying therfoze at y^e end and expiration of the said terme of 3. yeares xx. l. of lawfull English money. And also finding vnto the said G. B. during the said terme of th^{re} yeares conuenient lodging, meate, drinke, apparell, and also keeping for the said G. B. 20. sh^p. Where, by reason of which demise, your said Watoz about the said feast of the Annunciation of the blessed virgin Marie, did enter into the said demised messuages, tenements, & premises, & occupied the same messuages, tenements

nements, and pzemiffes, by the fpace of ij. yeres, oꝝ thereabouts, and
 during the fame time, did at his owne coſts and charges pꝛouide & find
 vnto the ſaid C. B. conuenient meate, drinke, lodging, & apparell, and
 alſo his xx. ſheep, according to the ſaid agreement, and beſides thoſe xx.
 ſoety ſheep moꝛe at the leaſt, to the charges of your ſaid oꝛatoꝝ, of one
 hundred markes at the leaſt. But now ſo it is, if it may pleaſe your
 honorable Lordſhip to vnderſtand, that about the firſt day of March,
 which was into the 32. yere of our ſoueraigne Lady the Q. maieſties
 raigne that now is, your ſaid oꝛatoꝝ hauing then inued into the barns
 of the ſaid tenements and pꝛemiſſes foꝛty loads of hay, oꝝ thereabouts,
 part thereof did grow vpon the ſaid tenements and pꝛemiſſes, but the
 moſt part thereof was brought from other places, and hauing alſo ma-
 nured the ſaid grounds to his exceeding great coſts & charges the ſaide
 C. B. being then of full age, by the like perſuaſion and pꝛocurement
 of the perſons aboueſaid, did enter into the ſaid demifed tenements and
 pꝛemiſſes, whereof your ſaid oꝛatoꝝ was then quietly poſſeſſed, as hee
 then found the ſame. And he together with the ſaid A. C. 3. p. M. J.
 C. H. p. J. H. M. and H. C. did take away and conuert to their owne
 vſes the moſt part of the ſaid xl. loads of hay, oꝝ thereabouts, to the va-
 lue of xx. markes at the leaſt. By meanes whereof, your ſaid oꝛatoꝝ
 hauing againſt the winter befoꝛe pꝛouided great ſtoꝛe of beaſts and
 cattell ſoꝛ to haue eaten the ſaid hay ſoꝛ the ſuſtenance of them, he was
 enforced to buy, and did buy a great quantitie of hay at an exceſſiue
 pꝛice, oꝝ elſe to haue famiſhed the moſt of his ſaid beaſts ſoꝛ want of
 fodder, which was to the great loſſe and damage of your ſaid oꝛatoꝝ:
 Wherefore, the ſaid C. B. by the like counſel and perſuaſion of the
 ſaid euill diſpoſed perſons, albeit he hath bin ſundry times gently re-
 quized by your ſaid oꝛatoꝝ to make vnto him ſome reaſonable recom-
 pence and ſatisfaction ſoꝛ the loſſe of his ſaid terme, and his other dam-
 mages, and ſoꝛ ſuch coſts and charges as he had beſtowed ſoꝛ the ma-
 nuring and bettering of the ſaid grounds ſo to him demifed, & ſoꝛ ſuch
 coſts & charges as he your ſaid oꝛatoꝝ did ſuſtaine and beare, oꝝ
 and by reaſon of the keeping and maintaining of him the ſaid C. B. as is
 aboueſaid, with apparell, meate, drinke, & lodging, he utterly denieth and
 refuſeth to yeeld vnto him any maner of ſatisfaction oꝛ recompence ſoꝛ
 the ſame, oꝝ part thereof, alleaging, that at the time of the making of
 the ſaid ſeueral contracts, he was within the age of xij. yeres, and
 therefore, and ſoꝛ the incertaintie ſome of the ſame contracts be maꝛe-
 ly void in law. And not ſo contented, doth yet by the like counſell and
 perſuaſion of the ſaid euill diſpoſed perſons, ſue your poꝛe oꝛatoꝝ ſoꝛ
 the occupation and vſe of the ſaid grounds, and ſoꝛ the pꝛofites and
 commodities thereof during the ſoꝛeſaide terme. Notwithſtanding

H. J.

that

that he himselſe and his ſaid confederats did ſo as is aforeſaid, vniuſally take away your Orators ſaid hay, being of farre moze value than the pprofits which he euer receiued, ſo, oꝛ by the grounds ſo to him demilled, did amount vnto, againſt all right, equitie, oꝛ good conſcience, In tender conſideration whereof, and ſoꝛ ſomuch as your ſaid Orator is a very pꝛoye man, and hath no ordinarie remedy by the ſtrict courſe of the common lawes of this realme and dominion of England, either to defend himſelſe in the ſaid ſuit, oꝛ to reconer any thing at al againſt the ſoreſaid C. B. aſwell by reaſon that the ſaid ſeueral contracts and agreements were ſo vncertainely made, as is aforeſaid with him, being at the making hercof an infant, as ſoꝛ that the ſame contracts and agreements were made pꝛiuately betwene your ſoreſaid Orator and him the ſaid C. B. ſew oꝛ none being pꝛeſent thereat, which can teſtifie the ſame, neither can your ſaid Orator ſet downe in certaine, how much of his ſaid hay they did ſo take and carry away, and yet is there great cauſe in equitie why your ſaide Orator ſhould be relinced ſoꝛ the ſame in this honorable Court. It may therefore pleaſe your honourable L. the pꝛemiſſes gratiouſly conſidered, to graunt vnto your ſaid Orator the Qu. Maiesties moſt gracions ſeueral writ of Subpoena, to be directed vnto the ſaid C. B. A. C. J. P. W. P. T. C. H. P. P. H. W. H. and H. C. and euery of them, thereby commanding them and euery of them vnder a certaine paine, and at a certaine day therein to be limited and appointed, to be, and perſonally to appere befoze your honorable L. in her Maiesties moſt high court of Chancerie, then and there to anſwer vnto the pꝛemiſſes, and to abide ſuch further order and direction therein, as to your honorable L. ſhall ſeeme to ſtand with right, equitie, and good conſcience. And your ſaide Orator ſhall daily pray vnto almighty God ſoꝛ the pꝛeſeruacion of your honorable L. in good health long to continue with much increaſe of honor &c.

A Bill of debt vpon a contract againſt the ſurnaming partener, or ioynct chapman, and the adminiſtrator of the other.

Señ. 123.

In moſt humble wiſe complaining, ſheweth vnto your honorable L. your daily Orator R. P. of L. in the countie of Poꝛke chapman: That where as the third day of Maie now laſt, which was in the xxxv. yere of the moſt pꝛoſperous raigne of our moſt gracions ſoueraigne L. adie Eliz. the D. moſt excellent Maiesty that now is, and befoze and after the ſaid third day of Maie, one W. L. of W. in the countie of Sp. graſſier, now lately deceaſed, were chapmen, parteners, coparcioners, oꝛ parting ſellowes, did then as parteners and parting ſellowes ioynctly occupy together in all maner aſwell of buying and ſelling, bartering, oꝛ bargaining of beaſts and cattell, with their ſeueral ſtocks, and of

and

and with diuers other goods, beaſts, and cattel taken vpon their credit, and of, and with all encrease and gains from time to time ariſing and growing by reaſon of their ſaid occupying, as by ſactozſhip, alienation, exchange, or otherwiſe, ſoz a certaine time betwene them the ſaid W. T. and R. W. priuately agreed vpon, and it was alſo then agreed betwene them, that during the time of their ſaid ioynt occupying together or partnership, either of the ſaid parties ſhould be faithfull & true to other in buying, ſelling, and otherwiſe, as is aforeſaid. And all ſuch lucre, profit, & gaine, aduantage, benefit, and winning, as ſhould come, grow, or ariſe in buying and ſelling any beaſts or cattell, during their ioynt occupying or partnership, ſhould be equally parted and diuided betwene the ſaid parties, ſo as either of them ſhould haue his iuſt and true moiſtie & portion of the ſame. And that at ſuch times as it was betwene them agreed vpon, either of them ſhould make a iuſt & true reckoning & account with other of buying and ſelling of al ſuch beaſts and cattel, and otherwiſe, as aforeſaid. And it was the alſo agreed betwene them the ſaid W. T. and R. W. that if any loſſe or charge ſhal happen to either of the ſaid parties at any time or times during their ſaid ioynt occupying together, and partnership by death of cattell, euil debts, caſualties, or otherwiſe, concerning their ioynt occupying to any part of the ſaid ſtocke in buying and ſelling of beaſts or cattell, or otherwiſe, as is aforeſaid, to be impaired, that the ſame loſſe and charge ſhould be equally bozne by both the ſaid parties. And if it ſhould happen either of the ſaid parties to die during the ſaide ioynt occupying or partnerships, then the executozſ or adminiſtratozſ of the goods and chattels of the party ſo dead ſhould make a iuſt and true account, payment, and deliuey of ſuch part of all encrease, gaines, beaſts, cattell, and debts, as ſhould be due to the party ſurvuiuing. And in like manner that the party ſurvuiuing ſhould make and declare to the executozſ of the goods and chattels of the party ſo dead, a iuſt, true, and perfect account & reckoning of al the ſtate and quality of their ſaid ioynt occupying or partnership, and alſo pay, deliuer, and aſſigne vnto the ſaide executozſ or adminiſtratozſ of the party ſo dead, ſuch moiſty, halfe part and portion of the ſaid increase, gaines, beaſts, cattell, and debts, as vpon the ſame accounts ſhould then haue bin due vnto the party ſo dead in ſo large & ample maner, as if he had bin then liuing, and the ſaid ioynt occupying then ended, at ſuch times, and in ſuch maner, as it was betwene the ſaide parties agreed vpon, by ſozce of which agreement, they the ſaide W. T. and R. W. ioyntly, as copartners, ioynt chapmen, partners, or parting fellowes, occupied together their ſaid ſtocks, and other things aforeſaid, and according to their mutuall agreement, by buying, ſelling, and exchanging of beaſts & cattel, and otherwiſe, in ſundze faires

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and markets of this Realme of Engl, and with diuers and sundrie of
her Maiesties faithfull and louing subiects vntill the day of ec. now last
past, at which time y^e said R. III. died, & the said W. L. him suruiued,
during which said ioynt occuppyng together, partnership, o^r societie,
that is to say, the thirde day of Maie now last past, the said R. soz, and
to the vse of himselfe, and of the said W. L. his partner, & ioint chap-
man, as is aforesaid, at P. in the county of R. did buy of your Honors
suppliant in the open market then there holden, iij. oren soz 6. l. s. s.
of which summe, part was then in hand paid, and the residue was then
agreed to be paid vnto your orator vpon the tuesday in Whitson weeke
then next following in P. aforesaid, and also vpon the wednesday en-
suing the day, commonly called o^r knowne by the name of Polporth-
day, the saide R. III. did also buy to the vse of him, and the said W. of
your said orator other two oren soz vj. l. to haue bene paid to your o-
rator vpon the said tuesday in Whitson weeke, at P. aforesaid, which
said oren were then accordingly deliuered to the saide R. III. at P. a-
foresaid, and shortly after the saide R. III. deliuered the same oren to
the hands of the said W. L. and died, not hauing paid o^r satisfied this
your orator of and soz the said xiiij. l. noz of any part thereof, accordyng
to the said bargain, the said oren remaining in the hands and possessi-
on of the said W. L. and after the time of the death of the said R. III.
and were thence by him the said W. L. conuerted to his owne onely
vse, by means whereof, action accrewed vnto your said orator to de-
mand and haue of the said W. L. and of one C. W. of S. in the coun-
tie of C. widow, late wife of the said R. III. o^r of one of them, the q^uide
xiiij. l. so to him due soz the said oren, which the said C. W. by the com-
pact and consent of the said W. L. and R. III. became executor to the
saide R. III. and wrongfully administred and conuerted to his owne
vse diuers goods and chattells which were belöging to the said R. III.
at the time of his death. And albeit your said orator hath diuers & sun-
dry times come & sent to the said W. L. and C. since the death of the
said R. III. gently requiring payment of the said summe of xiiij. l. so
as aforesaid being behind and vnpaid of the p^rice of the said oren, not-
withstanding that diuers goods & cattells which were the said R. III.
at the time of his death sufficient soz the contentation of your said ora-
tor, of, and soz his said debt of xiiij. l. and also to perfozme the funerals
of the said R. III. and to satisfie all debts which the said R. III. ought
to any person o^r persons at the time of his death, came to the händs and
possessio of the said W. L. o^r C. W. to the hands & possession of such
person o^r persons, to whom they the said W. L. & C. W. o^r the one of
thē, haue left, yielded, o^r deliuered the same, & in their o^r some of their
hands both still remaine. Notwithstanding they & either of them haue
diuers

diuers and sundry times since the death of the said R. W. bin by your
 said ozato; and others in his behalfe gently required to pay the same,
 yet that to doe, they and either of them haue euer hitherto denied and
 refused, & yet do deny & refuse to pay the same vnto your saide ozato;
 fraudulently intending thereof & of euery part thereof craftily & sub-
 tly to defraud & deceiue your said ozato;. And so; that purpose haue
 secretly conueyed, concealed, and hid a great part of the goods & chat-
 tels, which the saide R. W. had at the saide time of his death being of
 good value to diuers persons, and in diuers places to your ozato; bi-
 terly unknowne, so that the same being by that meanes left out of the
 inuentorie of the goods of the said R. W. to thintent to dazle and blind
 the vyes of your said ozato;, & of sundry of the said R. W. credito;es, to
 whom he was in like maner indebted, not knowing the truth of their
 dealing, and vngodly practises & deuises, intending by such colourable
 means, either bitterly to defraud his said credito;es, or so to enioyce the
 to rest contented with some small part of their true and lawfull deb;. And
 whereas afterwards, that is to say, vpon Tuesday next after
 Epiphany now last past, your ozato; and one W. W. of L. in the
 county of L. husbandman, by a priuate agreement between them made,
 did ioyntly buy of diuers persons to the vse of them both, eight oren,
 and seuen bullocks or steers for diuers severall summes of money, and
 afterwards the said beasts, that is, vij. of the said oren, & the said seuen
 bullocks or steers, for the price of which fourtene beasts, & of the saide
 oode ore, your ozato; and the said W. W. afterwards priuately account-
 ed, and be thereupon satisfied your ozato; all that to him was due for
 the same but 3. l. 13. s. 4. d. or thereabouts, & being perswaded by the
 said W. W. and C. W. and by their pernicious example, not satisfied
 with their former wrong, as is said, offered to your said ozato;, haue
 also perswaded the said W. W. not to pay to your said ozato; the saide
 summe of 3. l. 13. s. 4. d. or thereabouts, so to him due, for the price of
 the said oren, so that albeit the said W. W. hath oftentimes since the ma-
 king of the said bargain and account, bin gently required by your said
 ozato; and others on his behalfe, yet he hath euer hitherto denied and
 refused to make payment thereof, and will both denie and refuse to do
 the same against all right, equitie, and good conscience, which vnlaw-
 full practises of the said W. W. and C. W. and W. W. are likely to be to
 the great losse and hindrance of your said ozato;, if speedie remedie be
 not by your good L. or. p;ouiden to mete with; and prevent their con-
 stant and most unconscionable dealings & purposes in the premises:
 wherefore, and forasmuch as the said agreement of partnership, and
 otherwise, made betwene the said W. W. and R. W. and also all the
 compacts and practises made by and betwene the said W. W. and the
 said

said C. W. since the death of the said R. W. And also the saide agree-
ment of the ioynt buying of the said rb. beasts by your ozatoz and the
said E. and also the said bargaine betwene your ozatoz and the said
R. W. for the said s. oren, as also the said ioynt buying of the said rb.
beasts by your ozatoz, and the said E. W. were secretly and priuately
made betwene themselves, so that there is no person living knowne
to your said ozatoz, but the said W. E. C. W. and E. W. priuy there-
unto, that can testifie the said severall contracts, made betwene your
said ozatoz, and the said R. W. of, & for the said s. oren, as is aforesaid,
and the said ioynt buying of the said rb. beasts by your said ozatoz and
the said E. W. & their said accounts touching the same, oz the said ioynt
occupying oz partnership betwene the said W. and E. oz the said co-
cealement, cunning, close, & unlawfull dealings of the said C. W. and
E. in the premisses, so that your said ozatoz throughe the want of such
precise proofe thereof (as the strict course of the common Lawes of this
realme doth in that behalfe require) is altogether remitted by the
order of this honorable Court, wherein your ozatoz verily hopeth that
the said W. E. C. W. and E. W. in their severall answers to the pre-
misses, will severally vpon their cojpozall othes confesse the said pre-
misses to be in effect, as they haue bene herein disclosed and set forth:
It may therefore please your honorable god L. the premisses gratio-
usly considered, to grant vnto your said ozatoz her praieshes most gra-
tious seuerall Writs of Subpoena, to be directed to the said W. E. C.
W. E. W. and to euery of them, thereby commanding them, and euery
of them, at a certaine day, and vnder a certaine paine therein limi-
ted, to be, and personally to appeare befoze your honorable L. in her
praieshes most high court of Chancerie, then and there to answer vn-
to the premisses, and abide such further order and direction therein, as
to your honorable L. shal seeme to be agreeable with right, equitie, and
god conscience. And your said ozatoz shall daily pray ec.

*A Bill vpon a promise to forbear debt due by Obligation vntill
another day, and yet suing the bond.*

Sec. 124.

In most humble wise sheweth and complaineth vnto your honora-
ble L. ec. That whereas one R. F. of ec. in the county aforesaid gen-
tlemā, was indebted to one W. P. of D. aforesaid, in the summe of ec.
And whereas your said ozatoz at the special and earnest intreaty
and request of the said R. F. about two yeres last past, became bounden
for the said R. F. vnto the said W. P. by his deed oz writing obligatorie,
in the summe of ec. with condition therein contained oz indorsed for
the payment of the summe of ec. vnto the said W. P. at the feast of ec.
which

which was in the yere ec. at o2 in the Church-porch of ec. aforesaid, as
 of the said bond o2 witting obligatorie doth & may appere : which said
 summe of ec. your said ozato2 had appointed in a readinesse, and pur-
 posed to pay the same at the time and place aforesaid, according to the
 condition of the said witting obligatorie : whereupon the said W. J.
 the very day appointed for the payment of the saide ec. o2 the day be-
 fore, the certaintie whereof, your said ozato2 now remembreth not,
 came unto your said ozato2, and upon speech had betwene your saide
 ozato2 and the said J. touching the payment of the said money : The
 said J. was contented, and did agree to forbear the payment thereof
 untill the feast of J. then next following, and did faithfully assume
 and promise, to, and with your said ozato2, both then, and at diuerse
 times after, to forbear the payment thereof untill the said feast, and
 that he would not take any advantage of the forfeiture of the saide
 bond against your said ozato2, but would cancell the saide bond, and
 take a new bond for the payment thereof at the said feast of J. afoze-
 saide, but neuer required anie new bond from your said ozato2 : and
 your saide ozato2 giving credite to his promise and assumption afoze-
 saide, did not pay the said summe of ec. according to the condition of
 the saide witting obligatorie. After which time the saide W. J. did
 oftentimes promise your said ozato2 to deliver the saide bond of ec. to
 your saide ozato2 to be cancelled, and to take a new bond for the pay-
 ment of the aforesaid summe of ec. at the saide feast of Pentecost, ac-
 cording to his promise and agreement aforesaid : And your said o-
 zato2 doubting that the saide J. meant to delay him, and vyne him
 off from time to time, and not fearing least the saide J. should take
 anie advantage of the forfeiture of the saide Bond against him, in
 Michaelmasse Terme last past, your saide ozato2 demanded the
 saide Bond againe of the saide J. in L. who tolde your saide o-
 zato2, that he had delivered over the said Bond unto one W. W. be-
 ing his brother in Lawe, to whome he had assigned over the saide
 Bond, and could not release o2 discharge the saide Bond without
 the assent of the saide W. W. but would make meanes to the saide
 W. W. for the deliverie of the same, and seemed to make diuerse
 iourneys to the saide W. W. to fetch the same : And so from
 time to time delayed your saide ozato2, and dyue him out with
 false wordes, untill such time as your saide ozato2 was upon oc-
 casion of businesse, enforced to ride out of L. into the Countrey :
 And shortly after, your saide ozato2 purposing to get the same bond
 out of the saide J. and W. handes, did in the saide Michaelmasse
 Terme send one G. W. his servant to L. with the saide money, to
 make payment thereof unto the saide W. and J. and to receive the

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the said bond, who comming to L. accordingly to the said W. and P. and declaring vnto them, that he was come to make payement of the foresaid summe of ec. & to receiue the said bond, the said W. then tolde the said P. that the said bond was not then in his custodie or keeping: But the said W. did then and there promise, that if the said W. would deliuer ouer a bond which hee had in his keeping of trust, to the vse of the said P. that then the said W. and P. should the next day following come to the said W. his lodging, & receiue the said ec. and deliuer ouer the foresaid bond of ec. vnto him, vpon whose promise the said W. did then presently (trusting to his faire speeches) deliuer the saide bond which he had, to thuse of the said P. to the said P. or W. accordingly. But so it is, if it may please your god L. that the said P. & W. nothing at all regarding their foresaid seuerall promises, agreements, and assumptions made, to, and with your said ozatoz, and the said W. as aforesaid, haue not onely hitherto refused and denied to deliuer ouer the said bond of ec. vnto your said ozatoz, according to the promises and agreements made, as aforesaid, but yet do utterly refuse and deny to do the same: albeit your said ozatoz did oftentimes both before the said feast of ec. as aforesaid, and diuers times since, offer to make payement of the said summe of ec. vnto the said P. and W. according to the foresaid agreement, and yet is ready and willing to pay the same. But also the said P. and W. purposing to bying vpon your said ozatoz the whole penalty & forfeiture of the said bond of ec. haue, or one of them hath of late, contrary to the foresaid assumptions & agreements made, as aforesaid, and contrary to all honesty, rightie, and god conscience, commenced suit at the common law against your said ozatoz vpon the said bond, to his great losse and hinderance. And the said W. P. hath of late utterly denied, that euer he promised to forbear the payement of ec. vntill the foresaid feast of ec. contrary to the truth, & contrary to all rightie, and god conscience. In tender consideration whereof, and soasmuch as your said ozatoz cannot plead the promise and agreement of the said P. made to your said ozatoz, for forbearing of the money (as aforesaid) in barre of the said bond at the common law, & therby is void of all remedy, at, & by the strict order and course of the common law of this realme, nor can be nor bying any action of the case against the saide P. or W. vpon their said promises and assumptions, for that your said ozatoz can not make any such sufficient promise thereof, as by the common law is in such case required, for that the same were made priuately betwene themselves, and no witnesses called thereunto. And soasmuch as your said ozatoz berily thinketh, that the said W. P. & W. W. being called into this most honorable Court to answer to the premises, will in their answer vpon their cojpozall othes confesse the foresaid conclusions,

promises, and agreements made, as aforesaid, and disclose the truth of the premises. Pay it therefore please your good L^d. the premises considered, to grant unto your said orator, the ^{most} gracious writ of Subpena, to be directed unto them the said W^m. P. and W^m. W. commanding them and either of them, at a certain day, & upon a certain pain by your good L^d. to be appointed, personally to appear before your good L^d. in the ^{most} majestic most high court of Chancery, & there to answer to the premises: and further to stand to, and abide such further order and direction therein, as to your good L^d. shall be thought most mete and convenient in that behalf. And your said orator, according to his bounden duty, shall daily pray unto God for the good and prosperous estate of your L^d. in honour long to continue.

The answer of W. P. and W. W. defendants, to the bill of complaint of E. L. complainant.

The said defendants, & either of them saith, that for the most part Sect. 125.
the said bill is untrue, slanderous and insufficient in the law to be answered unto, and the matters therein contained, denied of malice, to put these defend. to needless charges and expences in law, without any sufficient cause so to do. The advantage of exception to which insufficient bill to these defend at all times saved, For answer they say, and first the said W. P. for him self saith, that true it is, that the saide comp^t did become bound to these defendants, by his obligation in the summe of ^{xx}. with condition indorced for the true payment of the said summe ^{xx}. at a day long since past, The which summe this defendant did verily thinke to have received accordingly, and thereof did make reckoning, as of a debt then to be paid to him, and for that cause did at the very day appointed for the payment of the same, repair unto the place specified in the condition of the saide Obligation, where the said money should be paid, and there did attend for the same, in hope to have received it accordingly: but the said comp^t meaning nothing less then the satisfying of the saide debt, left the same unpaid, to the great hindrance, losse, and discredit of these defendants. And this def. further saith, that he hath often and sundry times since the saide money was due, made meanes to the complainant for payment of the same, who from time to time with saire promises (now almost these 10. yeres) hath delayed this defend. to his greater hindrance, then the value of the saide summe: By reason whereof, and soasmuch as the complainant hath sought divers indirect waies and meanes to get the saide Obligation of ^{xx}. out of the hands of this Defendant with intent neuer to pay penny of the debt aforesaid: This Defendant hath caused

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caused the said obligation to be put in suit, as he thinketh it is lawfull
 for him to doe, without that, that the compl to the knowledge of the
 def. did prepare in a readinesse to haue paid the said ec. at the time and
 place, according to the condition of the obligation aforesaid: And that
 this def. upon the very day appointed for the payment of the same ec.
 or the day before, or in trueth at any time else) did come to the com-
 plainant, and had speech with him, that he was contented, and dis-
 agree to forbear the payment thereof, untill the feast of ec. then next
 following, or did assume and promise, to, and with the complainant,
 both then, and at diuers times after to forbear the payment thereof,
 untill the saide feast, and would not take any advantage of the forfei-
 ture of the said bond, but would cancell the said bond, and would take
 new bond for the payment thereof, at the said feast of id. as in the said
 bill is more fully declared. And without that, that the saide complain-
 ant, to the knowledge of the defendant, did send one G. W. his ser-
 uant to L. with the said mony, to make paiement thereof to one of these
 defendants, as also in the saide bill of complaint is truly alleadged.
 For this defendant saith, that he sought often to the complainant, and
 made meanes vnto him, to haue the said defendant either to be paid in
 mony, or that he might be satisfied thereof some other way, who made
 him many promises to do the same with speed, but neuer meant or in-
 tended it, for any thing that this defendant could get to the contrary.
 And the said G. W. the other of these defend. for himselfe saith: That
 whereas he is charged to haue made promise to the said W. that if he
 would deliuer a bond which he had in his keeping of trust, to the use of
 the said id. that then he this defendant and the said id. would the next
 day following, come to the saide W. his lodging, and receiue the saide
 summe of ec. and deliuer ouer the said bond of ec. He this defend. saith,
 that he neuer made any such promise to the saide W. to his recom-
 pence, neither was there any cause at all that he should so doe, as well
 because in trueth, and in honestly the said W. ought to make deliuerie
 of the said bond, so committed vnto him, but of trust, as appeareth by
 the plaintifes owne shewing, as also for that this defendant was in-
 formed that the saide W. had deliuered the saide bond before that they
 two met together to talke of the saide debt. And this defendant fur-
 ther saith, that although it were true, that he made such promise (as
 aforesaid) yet were it nothing at all materiall for the reliefe of the
 complainant, as well for the cause aforesaid, as also for that this de-
 fendant had no power of himselfe to doe either good or hurt in the mat-
 ter. And without that, that any other matter or thing whatsoeuer
 materiall in the said vntre Bill to be answered vnto, and not in this
 Answer sufficiently answered, confessed, and auoided, traueserfed, or
 denied,

denied, is true. All which matters these Defendants are ready to averre and prove, as this most honorable Court shall allow, and pay to be dismissed with their reasonable costs in this behalfe wrongfully sustained.

The Replication of E. L. Esquire Complainant, to the answer of W. P. and W. W. Defendant.

The said complainant replieth and saith, that the said bill of compt Sect. 126.
by him exhibited into this honorable Court, is very true, certaine and sufficient in the Law to be answered unto, and that the matters therein contained, are neither devised, imagined, practised, or set forth by him the said complainant, for any such cause or purpose, as the Defendants in their answers have vntreuely imagined, but the same is grounded vpon good and iust cause, as by the contents thereof both and may appere. And further saith, that the answer of the said defendant is very vntreue, vncertaine, and insufficient in the Law to be replied vnto. The aduantage of exception to the incertaintie and insufficiency thereof to the saide complainant, now, and at all times hereafter saved. The said compt for further replication saith, that he doth, and will auerre, iustifie, maintaine, and prove, all, and every matter, article, sentence, and thing, in the said bill of complaint contained, to be good, iust, and true, in such sort, maner, and soyme, as in the said bill of complaint they be truly set forth, shewed, and declared. And further the said complainant saith, that he doth, and will auerre and prove, as this most honorable Court shall and will allowe, that the said Complainant did prepare in a readinesse, and purposed to pay the foresaide summe &c. in the said bill and answer mentioned, at the time and place in the condition of the saide Obligation mentioned, according to the true intent and meaning of the condition of the saide Obligation in such sort, manner, and soyme, as in the saide bill of complaint is most truly set forth and alleaged. And that the very day appointed for the payment thereof, or the day before, the said W. P. one of the said defendants came to the said compt, & vpon speech had betwene them touching the payment of the said money, the said defendant was contented, and did agree to so beare the payment thereof, vntill the feast of *et.* their next following, in such sort, maner, & soyme, as in the said bill of compt is most truly alleaged. With that also, that the said W. P. did saith fully assume & promise, to, and with the said compt, both then & at sundry times after, to so beare the payment thereof, vntill the feast of *et.* aforesaid, & would not take any aduantage of the forfeiture of the said bond against the saide compt, but would cancell the saide bond and take new bond for the payment thereof, at the feast aforesaid, and that

the

the saide complainant, relying vpon the foresaide agreement, promise and assumption of the said P. for the forbearing of the said ec. until the said feast of ec. aforesaid, and for the taking of a new bond for the payment thereof, at the feast aforesaid, did not pay the same, according to the condition of the foresaid Obligation, which otherwise he would haue done, in such sort, manner, and forme, as in the said bill of compl is also most truly set forth and declared. And with that also, that the compl in Rich. Terme last past, sent the said C. W. his seruant to L. with the said money to make payment thereof. And that the said W. the other def. vpon offer of tender of the foresaid summe of money by the said W. The said W. did promise to deliuer the saide bond vnto the said W. within short time after, so as the said W. would deliuer ouer a bond which he had in his keeping, to the vse of the saide P. and would also at a time betwene them agreed on, make payment of the said summe of ec. which bond was deliuered ouer accordingly, to the said P. by the said W. And the said W. was ready to tender and pay the said money, according to the said appointment, in such sort, manner, and forme, as in the said bill of complaint is also truly alleaged. Without that, that the said W. P. one of the said def. sought often to the said compl, and made meanes to him to haue the said debt, either to be paid in money, or that he might be satisfied thereof some other way, who made him many saies promises to do the same, but neuer meant, or intended it, in such sort, manner, and forme, as in the said answer is most truly alleaged; for the said complainant saith, that he did often and sundry times, both before the said feasts ec. and diuers times since, offer to make payment of the said summe ec. vnto the said W. P. and W. and alwayes was, and yet is ready and willing, vpon the deliury of the foresaid bond, to pay the same, in such sort, as in the said bill of complaint is most truly shewed and alleaged. And without that also, that any other thing, matter, or circumstance in the said answer mentioned, material or effectually to be replied vnto, and in this Repliation not sufficiently confessed, auoided, denied, trauesed, or otherwise replied vnto, is true. All which matters the saide compl is ready to auerce and prove, as this most honorable Court shall and will allow. And praieth, as before in his said bill of compl he praied.

The joint and severall Rejoinder of W. P. and W. W. defendants to the Repliation of Eik. complainant.

Seft. 127.

The said Defendants say, and either of them for himsele severally saith, that the Repliation of the said complainant is untrue and untrue, and very insufficient in the law by these Defendants, or either of them

them to be reioyned vnto. Notwithstanding all advantage of exception is the incertainty and insufficiency thereof to these defend. and to either of them at all times hereafter being saied, so reioyner vnto the said insufficient replication, These defendants say, and either of them so him selfe severally saith in all and euery matter and thing, as they and either of them in their severall answers haue saide, without that, that any other matter, cause, or thing whatsoeuer, materiall or effectuall contained in the said replication, and by these def. or either of them to be reioyned vnto, and not herein sufficiently confessed and avowed, trauesed, or denied, is true. All and euery which matters and things these def. and either of them are ready to auerte and p;oue &c.

A Bill for detaining lands with evidences.

Most humbly complaining &c. your daily orator J. S. of A. in the Sect: 12. 8.
county of H. husbandman: that whereas R. S. of H. in the county of H. also saied husbandman, & grandfather to your Orator, was in his life time seised in his demesne as of fee, or in fee taile, of, and in certain messuages, lands, and tenements, to the p;ecely value of &c. or therabouts, lying in H. also saied, and of the same died seised: By force whereof the said tenements descended & came (as of right they ought) vnto one J. S. father to your said Orator, sonne and heire to the saide R. who after wards entred into the same, and was so diuers yeares seised of the tenements accordingly, untill about the first yeare of the reigne of the late king Edward the first. At which time one W. S. of H. also saied, happening by casuall meanes to get into his possession all the evidences, charters, and writings concerning the saide lands and tenements: and knowing that your said Orators father could not so want of those evidences, charters, and writings defend his right, title, and interest to the lands also saied, entred also into the said tenements, and the same wrongfully did withhold and detaine, during the terme of his naturall life: Sithence which time one T. S. of H. also saied, and C. S. widow, mother to the said T. hath also entred into the said tenements, & the same to this day most vnlawfully withholdeth, together with all the charters, evidences, and writings also saied, which in right and equitie belong and appertaine to your Orator, as sonne and heire to the said J. S. now deceased. In tender consideration whereof, and so asmuch as your Orator doth not know the certaine dates of the charters, evidences, and writings also saied, nor of any of them, neither doth know whether they are in bagge, or bore sealed, or in chest locked, hee is without all remedie at the common Lawes of this Realme, and also without all other meanes how to find reliefe in this behalf, except

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except your honorable L. sauz extended, And that the said R. C. and C. C. may by your L. order be compelled vpon their oths, plaint, and truly to shew forth their estate, in, and to the tenements aforesaid, and also to shew what right, title, or interest they haue or claime, in, and to the same, and likewise to shew the effect and certaine dates of such charters, evidences, and writings, aforesaid, as they, or either of them haue in their possession concerning the said tenements aforesaid, or any part thereof. May it therefore &c. as befoze.

The Answer.

Sect. 129.

These defendants by protestation say, and every of them saith that the bill of compl exhibited into this honourable Court, is so; the most part vncertaine, vnture, & insufficient in the law to be answered vnto. And that the matters therein contained are denied by the compl only, to molest and trouble these defendants, being very poze, rather then vpon any iust cause. Neuerthelesse the advantage of exception to the vncertaintie and insufficiencie of the said bill to these defendants at all times saued: For answer and declaration of the truth, they say, and every of them saith, that true it is that one R. S. of F. in her Parishes Countie of W. was in his life time seised in his demesne, as of fee, of, and in one messuage, and certaine lands and tenements in W. in the said Countie of W. and being so seised by his deed of feoffment vnder his hand and seale, about the five and thirtieth yeare of King W. the eight, conueied and assured the same messuage and lands vnto one J. S. his sonne, and to his heires and assignes for euer, as by the deed of the saide R. vnder his hand and seale readable to be shewcd vnto this honorable Court doth and may appere: By force whereof the said J. S. was thereof seised in his demesne as of fee, and being so thereof seised, for a certaine summe of money to him paid by W. C. father of one of the defendants, did conuey and assure the said messuage & lands vnto the saide W. S. and his heires with warrantie, as by the deeds and release of the foresaid J. S. doth and may appere: After which the foresaid W. C. the father vnto the said defendant died of the said messuage and lands seised, after whose death these defendants entred into the said tenements, and the same enioyed to their owne profit and commodities, as lawfull was for them to do: without that, that R. S. of W. in the said bill mentioned, was seised of the messuage and lands in the bill mentioned in fee taile, or that the said J. S. father of the complainant was seised of the premises in the first yeare of King Edward the first, or that the saide W. C. father of one of the Defendants, got the possession of the messuage, and the evidences concerning the same, otherwise then was lawfull for him to doe: And that the Defendants,

as any of them do vniuſly withhold the ſaid meſſage or lands in the ſaid meſſions, or the evidences concerning the ſame, otherwiſe then lawfull ſoꝝ them to doe in reſpect of their right. And without that, that the ſaide meſſage and lands with the evidences concerning the ſame doe in right and equitie appertaine to the complainant, as ſonne and heire to J. S. the ſaiher. And without that, that any other matter or thing in the ſaid bil contained concerning theſe defendants, is not in this answer ſufficiently confeſſed, and avoided, trauerſed, or denied, is true. All which matters theſe ſoꝝ ſaid defendants are et, *ut ſupra*.

The Replication.

The complainant auereth & maintaineth his ſaid bill of complaint, and all and every the matters and things therein contained to be very good, juſt, and true, in ſuch ſort, manner, and ſoꝝme, as in the ſaid bill of complaint is declared. And ſaith, that the answer of the defend. in the moſt part is vncertaine, vntrue, and inſufficient in the lawe to be answered vnto: Peruertheleſſe, all aduantages of exception to the inſufficiencie thereof to this complainant, at all times hereafter ſaned: ſoꝝ replication ſaith in all and every thing, as in the ſaide bill of complaint he hath ſaid. And further ſaith, that he doubteth not but that he can very ſufficiently pꝛoue that the ſaide J. S. this complainants ſaiher, was about the firſt yēre of the raigne of king Edward the firſt, or not long befoꝝe, ſeiſed in his demeiſne as of fee taile of the ſoꝝ ſaide meſſuage, lands and tenements in the ſaid bill mentioned. And he alſo hopeth to pꝛoue all the reſt of the ſaid bill to be true, in ſuch ſort as the ſame is truly declared and ſet downe: without that, that the ſoꝝ ſaid J. S. this complainants grandfather being ſeiſed of the pꝛemiſſes in his demeiſne as of fee, did lawfully by his deed of ſeoffement vnder his hand and ſeale, about the 36. yēre of king W. the 8. conuey and aſſure the ſaide meſſuage and lands vnto one J. S. his ſonne, and to his heires and aſſignes ſoꝝ ever: And that the ſaide J. S. being of the pꝛemiſſes ſeiſed in his demeiſne as of fee, ſoꝝ a certaine ſumme of money to him paid by the ſaid W. C. father of one of the defendants, did lawfully conuey and aſſure the ſaid meſſuage and lands vnto W. C. one of the ſaid defendants, and his heires with warrantie, as in the ſaide answer is very vntroly alleaged: And without that, that the ſaid W. C. father to one of the defendants, died of the ſaid meſſuage and lands ſeiſed in ſuch ſort, as in the ſaid answer is likewiſe declared, or that it was lawfull ſoꝝ the ſaid defendants after the death of the ſaid W. C. to enter and occupie the ſoꝝ ſaide meſſuage and lands, as alſo in the ſaid answer is infered. And without that, that any other matter or thing in the ſaid bill contained concerning theſe defendants, is not in this answer ſufficiently confeſſed, and avoided, trauerſed, or denied, is true. All which matters theſe ſoꝝ ſaid defendants are et, *ut ſupra*.

Seet. 130.

Sect. 13 I.

Complaining herewith *ec.* A. B. of *ec.* That whereas the said A. B. in the beginning of her *sp.* raigne, liuing in her highnesse Court, for his furniture ofiewels, plate, money, and such like, had credit with one C. D. Citizen and Goldsmith of London, for the which as he had occasion to borrow any money, or take by any wares, so he deliuered his bills or obligations for the true payment of any such money so borrowed, or for the price of any such wares so bought, at dayes betwixt them agreed: which dayes, he alwayes kept, or took order for the forbearing thereof by himselfe, or his seruants, such as he did employ in those affaires: amongst which there was in *D.* in the first yere of *ec.* a certaine debt or reckoning (of how much certainly he now remembereth not) betwixt him the saide C. D. and the said A. B. for the which he the said A. B. was bound to the saide C. D. in the summe of *ec.* by his then obligato^{ry}, bearing date *ec.* which obligation (as he now remembereth) was single with a defelance for the debt, which was then agreed vpon to be answered at a certaine day following, which saide debt he the said A. B. paid accordingly by his then seruants and officers, who unknowing vnto the said A. B. did negligently (as is to be coniectured) leaue the bonds in the hands of the said C. D. after the reckoning and debt paid or discharged: And so afterwards the saide A. B. did deale and continue in further credit with the said C. D. for diuers other great summes of money, iewells, and plate, some vpon the said Goldsmiths booke, and some vpon bills and bonds, wherof the most part were afterwards discharged, sauing one debt by Recognisance about the 4. day of *ec.* in the *ec.* being to the value of 200. marks. In which said later debt, the saide A. B. presuming of friendship, and friendly dealing at the said C. D. his hands, because he had bene a very good customer vnto him, did not so precisely keepe his day, thinking he would haue reasonably dealt with him, being allowed for consideration for forbearing thereof, as at other times he had done. Notwithstanding, he the said C. D. contrarie to the saide A. B. his expectation, did yett the same Recognisance in suite presently after the forfeiture thereof. And the saide A. B. being then busied in her other seruice, the said C. D. had iudgement vpon the said Recognisance against him before he could send by to take any order for the said later debt by the said Recognisance, and after take execution of the moiety of a mark of the said A. B. called *ec.* in *ec.* which for the payment and performance of the said debt was extended vnto xx. marks by the year, and so did leue the said whole forfeiture vpon the said A. B. his manors and lands with great extremity, vpon which extreame dealing

he the said A. B. finding himselfe most cruelly and hardly dealt with, did refuse to buy or sell with him, and willed his Bailiffe of his saide maner to take acquittances of him at euery payment: who not onelie did so, but vpon the last payment the foresaid C. D. did acknowledge to him that payed the money, that your saide D. was then cleare with him, and did owe nothing, or to such effect, notwithstanding the foresaid A. B. accounted of him as of a very extream man: which the said A. B. his displeasure towards him being notified and very well knowne vnto him, both by letters from himselfe, and otherwise, yet the said C. D. living 9. or 10. yeeres after that, it can not be intended, that he who whilst they were in amitie, did sue the said A. B. vpon the said recognisance and debt therein contained, being of so small a value, woulde at the first haue left the elder bond and debt, being of a greater summe vsued for, if it had bin vnsatisfied for, or not paid, much lesse afterwards during all the space of 9. or 10. yeeres, when he the said A. B. for his hard dealing had left to be his customer, or to deale with him, & thought but hardly of him, as he had no lesse cause: so though it be most sure and true, that the said debt, for which the said 200. l. bond was made in the saide first yeere of the raigne of qe. was long since fully answered, yet it being so long since, the said A. B. cannot precisely call to mind vpon the sodaine who paid it (diuers of his officers which dealt for his reuenues, and especially one J. W. whom principally he vsed in those affaires, being now dead) whereby he cannot vpon a freddie triall at the common law proue the payment thereof, by strict and precise course in that behalfe requisite, and the rather, for that the Indentures for the discharge of the said recognisance, came by some casuall or negligent meanes to the hands of the said C. D. and of J. his wife, although it be manifest by the presumptions aforesaid, that the said C. D. would not haue let it lie so long vnderdemanded, if he had not bin satisfied, which the said A. B. doubteth not to proue in this honorable court, for that also he thinketh, there be yet some living that were present at the last reckoning, that the said A. B. or his officers made with the said C. D. either when he agreed for the saide extents, or about that time: at which time he the said C. D. did acknowledge, that all matters, debts, & reckonings whatsoever were then fully cleared and quit betwixt the said A. B. and the said C. D. And that the said A. B. did not then owe him any thing. But so it is, the said C. D. now being dead, and J. his wife being his executrix, who finding the saide bond of 200. l. remaining vncancelled, rather as it should seeme by those which haue conferred with hir, vpon some words spoken, or conceit of offence, that she hath conceived of the said A. B. his displeasure towards her late husband, than otherwise vpon any iust cause, the

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the said J. hath published, that she hath such an ancient bond of the said A. B. bearing date &c. of 200. L. and intendeth to put the same in suit against the said A. B. In tender consideration whereof, the apparent likelihood of the said debt before recited being most true, and the same discharged, and yet the promise of the discharge thereof in strict course of law being hard for the saide A. B. to make, the saide J. D. and some others who dealt for him, being now dead, and the said defeasance being come to her hands (as aforesaid) but onely upon oath of the said J. D. who was priuie to that, and most of her husbands reckonings and doings in his life time, and yet would not vntully charge the said A. B. with the said debt, by meanes that she hath both parts of the defeasance in her hands, whereby the said A. B. cannot plead them, and not knowing the date of them, or wherein they are contained, can not demand them by the ordinary course of the law. *W*ay it therefore please your good Lordship &c.

The Answer.

Sec. 132.

The said Defendant saith, that the said bill of complaint exhibited against her in this Hon. court, is vncertaine, and vnsufficient in the law to be answered vnto, and the matters therein contained untrue, and contrived moze of purpose to put the said def. to trouble and expences in law, then for any good or iust cause: *N*everthelesse, if the same defendant shal be compelled by this Hon. court to make any further answer to the same: then the aduantage of the insufficiencie thereof to this defendant at all times hereafter saued. For further answer the said defendt saith, that true it is, that the said A. B. about the time mentioned in the said bill of complaint, beganne to be a bargainer and buyer of plate and iewels of the said C. D. late husband to this Defendant, and obtained credite at the hands of the said C. D. for the summe of &c. For payment whereof, the said C. D. presuming vpon the promises of the said A. B. was contented onely to accept of a bare single obligation, which was sealed & deliuered vnto him about the time mentioned in the said bill, which summe of &c. the said C. D. (after the day past which was limited for the payment thereof) often demanded of the said A. B. who notwithstanding made no payment at all thereof, but with faire promises delayed time, and kept the said C. D. in hope from yeere to yeere, that he should be answered therof to the bittermost peny. And at the last the said A. B. hauing need of certaine other plate or iewells, to the value of &c. intreated with the same C. D. to giue him credite for the same, and promised saithfully, that if the said C. D. would trust him therewith, that then within short space after he would

honestly make payment as well of the hundred pounds, as also of the said 100. £. upon which earnest intreaty the said C.D. (being a man of a verie good nature, and easily led by such as hee anie waie concerned or thought well of) was contented to satisfie his request: But yet soasmuch as the said A.B. had befoze that time taken but small regard concerning the keeping of his dayes upon the single obligation afozesaid, the said C.D. then thinking to deale moze substantially with him then befoze, demanded a Recognizance for the said summe of one hundred pounds so then to be lent, without which hee was utterly vnwilling to trust him any further: Whereunto the said A.B. assented, and became bound accordingly in a Recognizance of two hundred markes, with condition for the true payment of one hundred pounds, (which is the Recognizance in the said bill of Complaint mentioned.) For discharge of which Recognizance the said A.B. toke no greater regard then befoze hee had one for payment of the said single obligation. And therfoze the said C.D. at the last, three yeares at the least being then past after the forfeiture of the said Recognizance, perceiving the carelesnesse of the said A.B. asked aduice of some of his friends, what course hee were best to take for the obtaining of the said severall summes of money: By whom he was advised to put the said Recognizance (rather then the obligation afozesaid) in suite, as well for speedie end of suite in the same, as also that thereby it was thought, the said A.B. would the rather like meanes to make satisfaction as well of the one debt as of the other: But he meaning nothinglesse, nor regarding the said suite, suffered the same to proceed till some parcell of his land was extended, and so the said C.D. was faine after three yeares forbearance of the said summe of one hundred pounds, as afozesaid, and after he had spent moze then twentie pounds in suits and rewards in obtaining the said extent, to accept only twenty marks by the pære, till the said two hundred marks (being the principall) and penalty were paid vnto him: so that the forbearance of the said summe accounted together with the charges in suite, great losse of time in following the same, and rewards given to Sherifes and Bailifes, befoze any the said lands might be extended: The said C.D. sustained so great losse, as by the said circumstances of that which befoze hath bene shewed, doth evidently appere, that he was utterly discouraged to attempt any moze suits against the said A.B. but rested still in hope, that at one time or other hee should obtaine meanes in quiet sort without suite in law to get satisfaction also of the said summe of 100. which hath bin the reason onely why the said C.D. did not put the said obligation in suit so long time, without that, that in the knowledge of this Defendant, there was euer anie desolance

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made vpon the said obligation, or that any such defeasance by whatsoeuer means is come into the hands of this defendant, as in the said Bill is vntrely alleaged. And without that, that the said A. B. by himselfe or his officers, as by the premisses manifestly appereth, did make payment of the said debt, or anie part thereof: which the said Defendant is the rather thoghly perswaded of, as well because she was well acquainted with the dealings of her said husband, as also because at the time of the death of her said husband, he lying in extremitie, called this Defendant vnto him, and said, that he had carefully gathered together sundry bonds & obligations, which at sundry times had bene made vnto him for diuers summes of money, and yet in truth they were paid and discharged, and those bonds & obligations he had put in a box by themselves, and named them Bills, which Obligations he willed this Defendant to cancell or deliuer to such persons as were the Obligors, and in any wise not to demand any debt vpon any of them. And further he also openly saide, that all the residue of the bonds and obligations remaining in other boxes, which he then also named, were due and owing vnto him. In the which of the said boxes the said obligation of 200. l. was found, neither is it to be thought that anie officer of the said A. B. would deale so lightly, as to pay the money due vpon the said obligation, being but single, and without penaltie, without either acquittance, or the bond it selfe, redeliuered or cancelled. And that the said A. B. himselfe would haue allowed of anie such payment vpon any his officers accounts. And without that, that the said A. B. did at any time allow any maner of consideration for the forbearance of any summe of money due by him to the said C. D. (as also is vntrely alleaged.) And without that, that the said C. D. did put the same Recognisance in suite, presently after the forfeiture thereof: for the same was forborne thre yeres after, as is befoze declared. And without that, that it is likely that the said C. D. did acknowledge himselfe satisfied of all those severall summes of 20. markes, which should make vp the 200. markes vpon the extent aforesaid, whenas he had recovered the whole debts due to him by the said A. B. but only without that, that the said A. B. to the knowledge of this Defendant, did signify by his letters his displeasure towards the said C. D. as also is vntrely set downe. And without that, that any other thing materiall in the Law &c. As in the other.

To cause one to shew his lease, whereby he holdeth, &c.

Sect. 133.

Most humbly complaining &c. A. B. of &c. Gentleman: That whereas about foure yeres last past, one C. D. of L. vpon a certain

indgement in a plea of debt amounting to the summe of *xx. s.* thereabouts, by him obtained in her *Shieriffes* court of common pleas against one *L. F.* of *ec.* in the Countie of *ec.* sued south her *Shieriffes* writ of *Fieri facias*, directed to the *Sherife* of the said countie, for the leuying of the said debt of the goods and chattells of the saide *C. F.* By vertue of which writ the *Sherife* did amongst other things take into his hands one lease for diuers yeeres yet induring made to the said *C. F.* by one *L. S.* in the countie of *S.* esquire of *ij.* parcells of land, called and known by the name or names of *ec.* with all and singular their appurtenances, lying and being in the parishes of *ec.* in the said Countie of *ec.* together with all and singular woods, vnderwoods, and trees, set, lying, being, and growing, in, or vpon the premises, or anie part thereof, together also with the reuersion and reuersions of the premises aforesaid, and every parcell thereof. And also all maner of common, as well of estovers and pastures, as all other commons, pastures, profits, and hereditaments whatsoever, to the said premises belonging or in any wise appertaining. And afterwards the said *Sherife* (that is to say, vpon the third day of *Maie* *ec.*) by his deed, bearing date vnder his hand and seale, did in consideration of *ec.* to him paid towards the satisfaction of the debt and indgement aforesaid, bargain, sell, assigne, and set ouer the saide lease and terme of yeeres yet to come, of all and singular the premises vnto one *C. H.* of *L.* Gentl, which *C. H.* not long after did in consideration of *ec.* by your orator to him paid, bargain, sell, assigne, & set ouer vnto your said orator all and singular the premises, and every part thereof: vpon which bargain & assignement of the premises so made, as aforesaid, your said orator was in verie good hope to haue peaceably & quietly entred into the premises, and so to haue occupied and inioyed the same accordingly. Nevertheless so it is right honorable, that one *R. W.* of *ec.* in the said county of *L.* pretending to haue a lease for diuerse yeeres yet to come of some part of the said lands, called *ec.* made vnto him by the aforesaid *C. F.* long time before any assignement aforesaid, hath and yet doth keep your said orator from the possession of the said lands, vpon which lease or demise certaine yearely rent is (as he saith) referred to the said *C. F.* his exors or assigns, which as your orator verily thinketh is *ec.* by the yeare, and which rent, whatsoever it be, your orator by reason of the lawfull conueiance to him made, as aforesaid, ought both in law and conscience to haue & inioy during such terme as the said *R. W.* shal hold & occupy the land aforesaid, by reason of the said lease, which he so pretendeth to haue: but because your orator doth not certainly knowe whether the said *R. W.* haue anie such lease, neither if he haue, what date it beareth, what terme y^e said *R.* hath therein vnerpited, what rent thereby

theroby is referred, nor what covenants are therein contained, as also your Orator cannot, nor knoweth not how in due forme of lawe to enter or commence any action against the said R. T. either for the recoverye of the said land or rent aforesaid, which the saide R. T. right well knowing, being a man of little or no conscience, but destitute of the feare of God, thinking all things wel gotten which he may get and hold without the punishment of the Lawe, doth not onely vse the saide land to his great profit and commodity, without yielding or paying thereto any rent to your Orator, or any other person lawfully claying the same, but also doth utterly refuse to shew his saide Lease, wherby he claimeth to hold the lands aforesaid, unto your said Orator, to the great losse and hinderance of your L. said Orator. In tender consideration whereof, and soasmuch as your Orator hath no ordinarie way by the course of the common lawes of this Realme to enforce the said R. T. to shew forth such writings as he hath for the holding and enjoying of the lands aforesaid, but is and shall be utterly destitute of all manner of help or meanes to obtaine the same to his great hinderance and impoverishment, except your honorable L. of your accustomed clemencie towards all such as are oppressed, do extend your favour in that behalfe, so that by the order of this honorable court the said R. T. be enforced upon his oath to shew what right he hath to the premises, or any part thereof, and likewise to set downe in his answer the true copy of the said lease (*verbatim*) or other writings whatsoever they be, whereby he claimeth the premises, or any part of the same. Pay it thereto etc.

The Answer.

Sec. 134.

The said Defendant not knowledging or confessing the matters suggested in the said Bill of complaint to be true, for his answer touching the same saith, That the said C. F. named in the said Bill of complaint, was possessed for divers yeares yet to come, and inuring, of the said three parcells of land, called or knowne by the name of &c. mentioned in the said bill of complaint by vertue of a lease therof made by the said L. S. also named in the said bill of complaint, unto the said C. F. long before the supposed extent specified in the said bill of complaint. And the said C. F. so being thereof possessed long before the said supposed extent (if any such were) had in such manner, as in the said Bill of complaint is supposed, made a lawfull demise and lease of part of the said three parcells of land, containing sixty acres, or thereabouts, unto the said Def. for divers yeares yet to come, and remaining unpierced upon which lease the said C. F. reserved a yearly rent to be paid during the continuance of the said lease: By force of which lease the said Defendant

entered

into the said rity. acres of land, part of the said 3. parcels called
 q. and was and yet is lawfully possessed accordingly, and ever since,
 and yet both enjoy the said rity. acres by vertue of the said demise and
 lease made by the said C. F. to the defend, and is to have and enjoy the
 same during the continuance of the yeeres, of which there are diuerse
 yeares yet to come, and remaining vnerspiced. And the said defendant
 saith, that the said compl is a man to this defend utterly unknowne.
 And therefore the said defendant marvelleth much of the said suite ex-
 hibited by the said complainant into this honorable Court against the
 said Defendant touching the said premises. And further saith, that
 the said C. F. after the said demise and lease by him made vnto the said
 defend, of the said fourtene acres of land, and befoze the said supposed
 extent, if any such be, made a graunt and assignement of the interest
 and terme of the saide C. F. as well of the saide rity. acres, which the
 said Defendant hath and occupieth by vertue of his saide lease for di-
 uers yeares yet thereof to come, and continuing vnderdetermined, as al-
 so of the residue of the said three parcels of land mentioned in the saide
 bill of Complaint, vnto R. F. the sonne of the said C. F. vnto which
 graunt and assignement the said Defendant was partie. And there-
 fore the saide Defendant thinketh, that he is for the payment of his
 rent chargeable, and ought by the law to pay the same rent reserved
 vnto the said R. F. and not to the said Complainant, which saide R.
 doth verely thinke, that he is lawfull Landlozd during the continu-
 ance of his yeares yet to come and induring, and not the saide Com-
 plainant, who is altogether a mere straunger vnto this Defendant.
 And which Complainant neuer at any time heretofore demanded
 any rent for the saide part of the lands that this Defendant hath and
 occupieth by the lease for yeares, yet continuing, of the said Defen-
 dant. And the said Defendant also saith, that he is sued for the rent
 reserved vpon his lease by the saide C. W. named in the saide Bill of
 Complaint in the Kings Bench, in an action of debt brought by him
 against the said Defendant: And therefore the said Defendant much
 marvelleth of this suite of the saide Complainant brought in this ho-
 nourable Court against the said Defendant touching the said premis-
 ses: By which suite of the saide Complainant, the said Defendant is
 wrongfully sued and vexed without any iust cause of suite, without
 that, that there is any such extent made of the said iij. parcels of land
 called q. or that after the same extent, there was any such bargain
 and sale made by the saide Sherife named in the saide Bill of Com-
 plaint, of the said terme and lease of yeeres of the said premises vnto
 the said C. W. Or that the said C. W. bargained or solde the said pre-
 mises vnto the said complainant, or that the said complainant ought

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to haue and intoy the said pzemisses to the knowledge of this vnt. And without that, that there is any other matter or thing ec. All which matters ec.

A Bill for a title of land intailed.

Sect. 135.

IA most humble wise sheweth and complaineth vnto your good Lo. your daily orator R. R. husbandman: That where one W. late of S. in the countie of W. husbandman, grandfather of your said orator, was lawfully seised in his demesne, as of fee, by due course of inheritance vnto him lawfully descended from his ancestozs, and other lawfull conueiances in the law, of, and in one messuage ec. 200. acres of land, meadow, wood, and pasture, with their appurtenances in S. as foze said. And the said W. R. so being of the pzemisses seised, about 1. yeres now past, it was condescended, granted, and agreed betwene the said W. R. and one J. C. late of W. in the said countie deceased, that A. B. then sonne and heire apparent of the said W. R. before a certain day should marry and take to his wife one A. C. daughter of the saide J. C. and that the said W. R. in consideration thereof, and for that the said A. should be greatly advanced & preferred in goods and substance by the marriage of the said A. would immediatly after the said marriage had and solemnized, conuey & make vnto the said A. and A. a good, sufficient, & lawfull estate in the Law, of, and in the said messuage, lands, tenements, and other the pzemisses. To haue and to hold vnto the said A. and A. and to their heires males of their bodie lawfully begotten. And afterward the said A. accozding to the said agrément, did marrie and take to his wife the said A. C. immediatly after which marriage had and solemnized, the said W. R. accozding to his said promise and agrément, did lawfully enfeoffe of and in the said messuage, lands, tenements, and other the pzemisses, the said A. R. and A. then his wife, To haue and to hold vnto the same A. and A. and to their heires males of their bodie lawfully begotten, by force whereof the said A. and A. were seised of and in the pzemisses, in their demeanes, as of fee taile speciall, and they so being thereof seised, the said A. and A. had issue male betwene them lawfully begotten, one J. R. and your said orator, and one W. R. and the said W. R. the elder died, by and after whose death the reuerſion in fee simple of the pzemisses descended vnto the said A. as sonne and heire vnto him. And afterward the said A. and Agnes died, after whose death the said messuage, lands, tenements, and other the pzemisses descended and came, and of right ought to descend and come vnto the said J. R. as sonne and heire male of the body of the said A. and A. lawfully begotten, by force whereof the saide J. R. entered into the said messuage, lands, tenements, and other the pzemisses,

he, and was thereof seised in his demesne as of fee taile. And he so be-
 ing thereof seised, the said J. M. about foure yeres now past, of the said
 messuage and other the premises died seised, without issue male of his
 body lawfully begotten, by force whereof the said messuage and other
 the premises descended and came, and of right ought to descend and
 come vnto your said Datoz, as brother and heire male to the saide J.
 M. by the vertue of the gift aforesaid. So it is my singuler god Lord,
 that as well the dede of intaile made, of, and for the premises by the
 said W. M. the grandfather vnto the said A. K. and A. and to the heirs
 males of their bodies lawfully begotten, as aforesaid, as diuers other
 charters, euidences, and dedes, writings and muniments concerning
 the premises, prouing the said interest and title of your said Datoz,
 in, and to the said premises: bene deceitfull comen to the hands and
 possession of J. W. and C. his wife, late wife of the said J. M. C. W.
 Gentleman, and L. S. the elder, and remaine there as they haue con-
 ueneid and put them: and by colour of hauing the said euidences, dedes,
 writings, and muniments in their hands and possession, the same J.
 W. and C. haue now of late wrongfully entred into the saide messu-
 age and other the premises. And the possession thereof do so yet wrong-
 fully detaine and keepe from your said Datoz, and also the rents, is-
 sues, and profits thereof haue wrongfully receiued, percetued, and ta-
 ken to their owne vse by the space of foure yeres past, and so yet doe,
 contrary to all right and god conscience. And albeit that your said Datoz
 hath often and sundry times required & instantly desired the said
 J. W. and C. W. and L. S. as well to deliuer vnto your said Datoz
 the said euidences, dedes, writings, and muniments concerning
 the premises, as also to auoid the possessiō of the premises, and peace-
 ably and quietly to permit and suffer your said Datoz and his assignis,
 to haue and inioy the same, and to receiue and take the rents and pro-
 fits thereof to his owne vse, according to his saide interest and title
 therein, which to do, they at all times haue refused and denied, and yet
 doe, contrary to all right and god conscience. And soasmuch as your
 said Datoz knoweth not the certaine number, contents, ne other cer-
 tainties of the said euidences, dedes, writings, and muniments, nor
 wherein they be contained. And also for that the said J. W. C. W.
 and L. S. be of so great substance & riches, and also greatly friended,
 and haue in the said Countie of W. And your said Datoz being but
 a poore man, and hauing but few friends in the said Countie, the same
 your said Datoz is, and shal be therefore without remedie concerning
 the premises by due course and order of the common Law, and other
 wise, vnlesse your god Lord shal aide and saue by his speciall com-
 mandment in this behalf. In consideration whereof it may please your
 Lordship,

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Lordship (the premises tenderly considered) to grant unto your said orators the M. most gracious generall writte of Subpoena to be directed unto the said J. Willewicks, C. C. S. and M. S. commanding them and every of them by the same, personally to appere in the most hon. Court of Chauncery, at a certaine day, and vpon a certaine paines by your good L. to be limited therein, then and there to make answer to the premises: And further to be ordered therein, as shall accord with right and good conscience. And your said orators shall daily pray ec.

*The Answer of I. W. to the Bill of Complaint
of R. K. husbandman.*

Sec. 136.

The said Defendant saith, that the said bill of complaint is vncertain and insufficient in the law to be answered vnto, & the matter therein contained vnture, and principally imagined, & pursued by the vnlawfull procurement, bearing, and supposition of one W. C. Esq. to thintent to put the said def. to trouble, costs, and expences, intending thereby so to vnnquiet and imponerish the said def. as he should be faine to leaue the right, title, & interest, of, & in the premises, so that the said W. might purchase & buy the same of the said compl: And of late the said W. C. hath made means vnto the said J. W. now def. to buy his title, and interest, of, and in the premises, and threatned him to haue the same, & if he would not let him haue it with his good will, that then he would haue it against his will, whofoener takes his part: and if the contents of the said Bill were true (as they are not) yet were the matter determinable at the common law, and not in this honorable court, whereunto the said def. prayeth to be dismissed: and yet notwithstanding the advantage of the premises vnto this defen. at all times saved. For further answer, vnto the saide Bill for declaration of the trueth of the contents of the said bill, the said def. saith, and every of them saith, that long time befoze the said A. K. mentioned in the said bill of complaint, any thing had in the said messuage and other the premises, or that the said W. K. was therof enfeoffed, M. K. of P. M. S. of S. and W. of C. was therof seised in their demesnes as of fee, and so being therof seised by their writing indented, ready to be shewed, (the said messuage and other the premises contained in the said Bill of compl, amongst other things) gaue, demised, deliuered, & by their said writing indented, confirmed, vnto the said W. K. mentioned in the said bill of compl, and vnto A. his wife, To haue & to hold the said messuages, & other the premises vnto the said W. & A. for term of their liues, & to the wife of the longer liuer of them. And the said W. & A. willed and declared in the said writing indented, that the said messuage & al other the premises should remaine vnto the said A. mentioned in the said bil of compl, & vnto A. his wife, and vnto the heires and assignes of the said A. for ever: with

that, that the said W. K. did in fee simple, of, and in the said messuage, lands, tenements, and other the said premises, the said A. and A. to have them and to their heirs males of their two bodies lawfully begotten, and that the said A. and Agnes were seised of, & in the premises in their demesnes as of fee tail, as in the said Bill of comp^t is surmised, and without that, that after the death of the said W. the remainder of the premises in fee simple descended unto the saide A. as sonne and heire unto him, or that after the death of the said A. and A. the said messuage and other the premises descended, and of right ought to descend or come unto the said J. K. in the taile special as sonne and heire male of the body of the said A. and Agnes lawfully begotten, either any other descent of inheritance therein of a more fee simple, or that the said J. by his entry into the said messuage and other the premises, after the death of his father and mother, was then seised of, and in his demesne as of fee taile special, or of any such estate died seised, or that after the death of the said J. that the said messuage & other the premises, or any part or parcell thereof descended and came, or of right ought to descend & come to the said comp^t as brother and heire male to the said J. K. by virtue of any gift or otherwise, as in the bill of comp^t is vntroly surmised: But the said def. do averre, and are, and shalbe at all times ready to proue, as this honorable C. shall award, that the said messuages and all other the premises, by and immediately after the death of the said J. K. descended, and of right ought to descend and come to one A. daughter and heire of the said J. lawfully begotten on the body of the said C. one of these descent, the which A. is yet in plaine life, and in the ward and custody of her said mother: and without that, that any deed of taile was made, of, and by the said W. K. the grandfather, or any other evidence, deeds, writings, or muniments, concerning the premises, prouing the said interest and title of the said comp^t of the premises, and every part and parcell thereof, to be come to the hands and possessions of the said J. W. and C. his wife, or either of them, or to the custody or possession of any other by their deliuerie, conueiance, or appointment: but truely it is, that the said defendants haue in their custody, one writing indented ready to be shewed, where by the remainder of the premises is conveyed unto the said A. and Agnes his wife, and to the heirs and assignes of the said A. for ever, as is also, said, and diuers other evidences and writings, prouing and concerning the conueiance of the fee simple of the said messuage, and other the premises unto the said A. and other his ancestors, the which charters, evidences, and writings, the said Defendants do still with them detain & keep, as good & lawfull is for them to do, as well for the proue and preseruati^on of their right, title, and interest, unto the third part of the

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the premises for the dowry of the said C. as for the preservation of the right, title, and interest of the said A. daughter and heire to the said J. of, and in the said messuage, and other the premises: without that the said defen. haue at any time wrongfully entred into the said messuage and other the premises, or into any part thereof, or the profits thereof do wrongfully detain, and kepe from the said comp^t, or the rents, issues, and profits thereof, haue wrongfully distrained, perceined, and taken to their owne vse, as in the same bill is also vntrely surmised.

A Supplication in the Chancerie upon deceit by a Partner.

Sc^t. 137.

In most humble wise complaining the wether. That whereas vpon the imagination of honesty and good opinion that R. C. father vnto your said orator deceased, had in one W. T. or the said R. about Easter last past, did ioyne in bargain with the said W. T. for the deliuerie of so much wares, whereof the moitie was the said R. as amounted to the summe of xx . vnto one J. S. of the D. maiesties household esquire, for the which summe of xx . the saide S. stode bound by Statute of the Staple, vnto the said R. C. and W. T. payable at the feast of sc . then next sc . which was in the yeare of our Soueraigne xx . And to the intent that the same R. being a man of such honesty and simplicitie, as did neither suspect, nor yet doubt the good conscience of the said W. who alwaies toward him had counterfeited such puritie of conscience, and so honest behauior, might the better by the help of the same W. come by his debt, at the time to be due, if he so long liued, or else if he died, that the saide W. might be as a stay and sure meanes to his executors, for the getting in of the same, he the same R. trusted the saide W. with the custody of the said Statute: Done after the making of the which bargain, and somewhat befoze the said feast of sc . the saide R. deceased, and made your orator his executor, thereby charging him as well with the gathering in of all such summes of money as were due the said testator, as also with the payment of all such debts, as the said R. did owe. And so it is, most gracious Lord, that although your said orator hath diuerse and sundry times since the decease of his saide father, required the said W. to haue the moitie of the said xx . due to him by equitie and good conscience, as executor vnto his said testator, xx . The saide W. (now declaring himselfe what he is) hauing regard neither to conscience, common honestie, nor yet to the trust he was put in, minding if he can (with what iniurie he careth not) utterly to barre your said orator from the hauing thereof, and he himselfe against all reason and conscience to haue the said xx . for nothing: hath not onely with many sleights and subtil delaiies, lingred and delaied your saide orator long time from hauing the same: but also now lately hath plainly

placely answered and assigned, that your saide *Dzatoz* shall haue no more peny therof, which if it should thus passe, should be both great encouraging to such corrupt conſcioused persons, till to perseuer in such their lewd demeanour, and in the meane time, turne to the great impoverishing of your saide *pwe dzatoz*: *Altherfoze* may it please your *H. L.* of your accustomed equitie, to inioyne the saide *L.* that he repay vnto your saide *dzatoz* the saide *ec.* moitie of the saide *ec.* if he haue receiued it of the saide *S. o*: if he haue not, that he be no let to your saide *Dzatoz*, to do therein what he can, for the obtaining and getting in the same. And thus shall your saide *dzatoz* haue cause continually to pray for the prosperous estate of your good *L.* long to indure.

A Bill of Complaint for recovering of Euidence made by compulsion by a man in prison without consideration.

In most humble wise complaining, sheweth vnto your good *Lordsh.* Sect. 138.
 Your daily *dzatrix J. B.* That whereas in the yere *ec.* it chaunced the husband of your saide *Dzatrix*, together with one *ec.* ioyntly and ſeu-
 erally to be bounden in a Recognisance of the summe of *ec.* know-
 ledged before your good *Lordsh.* in the *Quenes* maiesties Court of
 Chauncerie, for the paiement of *ec.* payable at a certaine day now past,
 vnto one *ec.* for which summe not being paid at the day due, the saide
ec. hath sued execution against your saide *pwe Dzatrixes* husband,
 whereupon he was by the *Sherife* of *ec.* arrested about *ec.* past, and
 by all the saide space hath remained in the *Quenes* maiesties prison of
 marshalsey, to his great paine of body, imposable charges, and in ma-
 ner vndoing, both of him, your *pwe Dzatrix*, and their small chil-
 dren, which piteous estate of his, (with himſelle lamenting) after hee
 had well considered, he then consulted with himſelle, for his best re-
 medy in that behalfe, and therewithall calling to his minde, that hee
 had *ec.* a kinsman and cousin called *ec.* being of *ec.* vnto whom your
 saide *dzatrixes* husband, for the vicinitie of blood, and abilitie of sub-
 stance, was bolder to make his mone for helpe of this his aduersitie,
 then vnto any other. But (far contrary to his expectation, and against
 all humanitie) whence your saide *Dzatrixes* *pwe* husband looked for
 most succour, thence hee receiued not onely least helpe, but also most
 hurt. For the saide *ec.* well perceiuing the aduersie estate that your
Dzatrixes *pwe* husband was, and is in, which was the greedinesse of
 the *purcharer* for his money, the earnest thought and care of your *pwe*
Dzatrix and her *pwe* children, and the great desire that her saide *pwe*
 husband had (as any man would) of libertie, and discharge of trouble,
 would by no meanes promise his helpe vnto her saide *pwe* husband
 herein,

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herein, vntlesse he would be content to bargaine and sell all his landes, amounting to the yearly rent of ec. vnto him the said ec. for an annu-
 itie of 20. l. sterling to him, during his life, & for the summe ec. of ec.
 of ec. to be paid in hand, wherunto your saide p^{re}ze W^{or}shipps hus-
 band, through the constraint of his said case, was compelled to agree,
 and to seale such writings as the said ec. not long after he brought to
 him Indentures concerning the bargaine, nothing doubting of ec. be-
 ing his cousin, but that they would haue sealed to none other, but on-
 ly such as conscience would stand with, at which time the same ec.
 neither paid nor proffered any peny of the said ec. according to his co-
 uenant, with delay of payment, both against his promises and con-
 enant: After her said p^{re}ze husband had studied vpon, and therewithall
 read ouer the covenants comprised in the said Indentures of this bar-
 gainne, which indeed (most honorable Lord) were so partially deuised
 for the behoofe of the said ec. and againe, so soze against your said p^{re}ze
 W^{or}shipps husband, as (if the bargaine had taken effect) had bene to
 the vtter vndoing of him and her, with all their heires for ever, your
 said p^{re}ze W^{or}shipps husband, taking hold on the point that the said ec.
 paid not the foresaid ec. did at their next meeting, renounce and say,
 that he would not stand to the said covenants and bargaine, where-
 unto the saide ec. partly acknowledging in that he had not paid nor
 proffered this ec. saide before sufficient witnesses herce ready to be
 sworn, he was contented, howbeit he said, that your said p^{re}ze W^{or}shipps
 husband, should pay for the making of the writings: For the
 payment whercof her said husband, as then hauing no great store of
 money, was faine to giue him a gold Ring in pledge, to pay the scribe
 for writing of the same: All this notwithstanding (most honorable L.)
 and that your said p^{re}ze W^{or}shipps husband, hath oft and sundry times
 by many waies and meanes required the same writings, concerning
 the said bargaine of the said ec. he against all naturall loue and huma-
 nitie, nothing moze conetng, then the extreme destruction of her, and
 her said p^{re}ze husband, and well perceiuing how farre he is now vna-
 ble to helpe himselfe, hath vtterly denied to render the same, and yet
 doth, contrary to all conscience, law, or right. In consideration wher-
 of, may it like your honorable Lordship, of your accustomed pitie, to
 call the saide ec. before you, together with the husband of your saide
 p^{re}ze W^{or}shipps, and there to will him to deliuer the saide writings a-
 gaine to her husband, if it shall so please god vnto your Honor, or else
 to shew sufficient matter why he should keep the same. And your said
 W^{or}shipps with her p^{re}ze husband, and their p^{re}ze children shall pray ec.

A Bill of a title of Copihold lands praying an Inimction.

Humblly complaining *ec.* your daily *Dzatoz* *W. S.* otherwise named *W. L.* of *L.* cousin and heire of *J. S.* otherwise called *J. L.* while hee lived *ec.* That whereas your said *Dzatoz* at your Lordships last being at *ec.* did exhibite vnto you a certaine Bill of Complaint, mentioning therein, that the foresaid *J. S.* otherwise called *J. L.* in his life time was seised, of, and in certaine customary lands & tenements, that is to say, of, and in *ec.* holden by copy of Court-roll of the manor of *ec.* at the will of the Lord of the said manor, according to the custome of the same manor, of which one *W. L.* then was, and yet is Lord, And that the same *J. S.* so being seised of the premises, afterwards of like estate died thereof by protestation seised, after whose death the said *ec.* with thappurtenances, and the right, title, vse, possession, and inheritance thereof descended and came, and of very right ought to descend and come vnto your said *Dzatoz* as cousin and next heire of the said *J. S.* that is to say, as yongest sonne of *J.* yongest sonne and heire of the same *J. S.* according to the ancient custome of the said manor. And that your said *Dzatoz* had often and sundrie times desired and prayed the said *ec.* that with lawfull warning vnto the tenants of the saide Lordship, a Court might be holden at the said manor, by whose inquiry, the title of your said *Dzatoz* might be presented and found in the premises, according as both iustice, right, and good conscience doe require: Whomebeit most hon. Lord, that notwithstanding, soasmuch as the same *ec.* hath kept the premises in his owne handes these manye yeares past, and the profits and issues thereof comming, hath by the same space to his owne proper vse receiued and taken, and yet doth, your said *pmze Dzatoz* could neuer get the same *ec.* to holde a Court here, uninding thereby vter disinheriting vnto your said *pmze Dzatoz*, of, and in the premises: Untill such time as your said most honorable Lordship, moued with your accustomed loue to iustice, and pity towards pouertie, vouchsafed to graunt your benigne letters directed in the saide *ec.* willing him thereby with lawfull warning giuen vnto the tenants of the said Lordship, to summon and keep a court at the said manor, for the triall of the right of your said *Dzatoz* in the premises, vpon the receipt of which letters, the said *ec.* summoned and kept a Court at his said Manor of *ec.* whereat vpon the open and plaine declaration of your said *Dzatoz*s title, together with the examination of diuers witnesses, brought in by your said *Dzatoz*, for & due proofe of the said title in the premises: And further, vpon the shewing of such substantiall and ancient evidences maintaining the same, the Homage therewith charged & sware did present and find at the said *ec.* (before

J. S.

Seet. 139

J. S. Steward of the same Court) that the foresaid J. S. was paid 102, and held the premises by Copie of Court Roll, according to the custome of the said manor: And that also your said Wator was and heire to the said J. S. according to the custome of the manor: It is to say, sonne of J. longer sonne of &c. as by the Copie of the same Court rolls ready to be shewed moze plainly may appeare vnto your good L. After which presentment at the same Court, it was agreed betwixt the said Steward, in the name of the said &c. and your said Wator, that if the said &c. would not declare and shew vnto your said Wator, or to his learned Counsell at London, within one Terme then next ensuing, a better title and interest to the foresaid premises, then your saide Wator had then and there already proued; that then your saide Wator should haue and inioy the premises to him; and to his heires, according to right, equity, and god conscience, and according to the custome of the said manor: But so it is (most H. L. Oze) that although the said &c. as he can not, so hath he not by the said space proued any maner of title, or colour of title to the premises, but onely with such like fraudulent delays, he intendeth to weary your said Wator from the obtaining of the premises, and if he can disinherit him from the same: Wherefore, may it &c. of your accustomed goodnesse alwayes to pouerty extended, to grant vnto your said Wator the Quenes most gracious writ of Subpoena, to be directed to the said &c. commanding him by the same, not only to appeere personally befoze your good L. in the high Court of Chauncery, at a certaine day, and vnder a certaine paine by your good L. therein to be limited: but also to permit and suffer your said Wator peaceably to haue, hold, occupy, possesse, and inioy the premises aforesaid, and the profits & issues of the same, vntill such time as the same &c. hath duly approued better title to the premises, then he hath heretofore done. And your said Wator shall &c.

A Bill of Complaint for Debt without especialtie.

Sec. 140.

If most humble wise sheweth and complaineth vnto your good L. your daily Wator and more bedeman J. C. of H. in the Countie of D. That where the said J. C. by way of prest, at the feast of Pentecost, in the 34. yeare of the reigne of our Soueraigne Ladie the Quenes Maiesie that now is, did deliuer vnto one W. L. late of H. in the said Countie of D. the summe of xviij. pounds of lawfull money of England, to be paid vnto him at the feast of Saint A. then next ensuing, befoze which day the said W. L. by his last will and testament, constituted and made one E. then his wife, his executrix, and died, and left vnto the said E. then his executrix, of his owne proper goods (all his

debts paid) the summe of 100. £. of which your said ozatoz sundry many times hath required payment of the said 18. £. which to content and pay, the said C. did neuer utterly deny, but did require respite for the payment of the same, and befoze the said C. did content and pay any peny of the said 18. £. the said C. on her death-bed, by her last will and testament did constitute and make one J. S. her sonne her executor, and died, and left to him sufficient of the goods of the said W. for the contentation and payment of the same 18. £. and after died, thence whose death the said complainant daily, sundry, & many times required the said J. S. to content and pay unto him the said summe of 18. £. which to do, he hath at all times refused, and yet both, contrarie to right and good conscience, to the utter butting of your poze ozatoz for ever. And soz because your ozatoz hath no specialtie, whereby he should charge the executor of the executor of the said W. L. he is therefore without remedie by the order of the common Law of this realme, and is like utterly to lose the said 18. £. unlesse your gracions fauour be to him shewed in this behalte: In tender consideration whereof, it may therfoze please your god L. (the premises considered) to grant the D. maiesties writt of Subpoena, to be directed to the said J. S. commanding him by the same personally to appere befoze your god L. in the Quenes most gracions court of Chancerie &c.

The answer of the same Bill for eightene pound lent without specialtie.

The said J. S. by protestation not knowing that the said complainant did deliuer the said W. L. in the said bill named, the summe of eightene pounds, oz any part thereof, by way of preft, as in the said bill is surmised: He further saith, That the said bil of complaint is uncertaine and insufficient in the law to be answered unto, and much of the matter therein contained is fained and imagined, soz vexation and trouble of the saide J. S. notwithstanding the advantage thereof to him at all times saied: The saide J. S. for further answer unto the saide Will, saith, That long time befoze the said C. L. was constituted and made executor unto the said W. L. the said C. was married unto one R. S. father of this defendant, by the space of twentie yeres, and more, which said R. S. by his last will and testament constituted, ordained, and made, he said C. and the said J. S. his executors, and died, and left to the order and disposition of the said executors goods and cattels of his owne, to the value of two hundred pounds sterling and above. All which goods and cattels for the most part of the same, being and remaining in the hands and custodie of the saide C. He the

R. S.

same

same C. married and took to husband the said W. L. which said W. L. after the marriage had bestowed him and the said C. did mispend, waste, and consume of the said goods and chattells late of the same R. to the value and summe of one hundred and forty pounds sterling above. And after the said W. L. by his last Will and Testament ordained and made the said C. executrix thereof, and died a very poor man, having no manner of goods nor chattells at the time of his death of his owne, to the value of twenty shillings sterling. And afterward the said C. by her last will ordained this Defendant executrix thereof, and died, since whose death there hath not come to the hands of this Defendant of the goods late of the said W. L. to the value of twenty shillings sterling, without that, that the said W. L. at his death left unto the said C. of his owne proper goods, to the summe of one hundred pound over his debts paid, or yet the summe of twenty shillings sterling, or that the said C. after the death of the said W. L. did ever consent or agree to pay the said eighty pounds unto the said Complainant, or did require him to respite the payment thereof, or that the said C. at the time of her death left unto the said Defendant sufficient of the goods of the said W. L. for the contentation and payment of the said eighty pounds, as in the said bill of complaint truly is surmised. And without that, that any other thing comprised in the said claimed bill of the aforesaid J. which is materiall to be answered unto, and in this answer not confessed, avoided, or traversed, is true. All which matters &c.

Sec. 142.

A Bill of Complaint upon certaine griefes; requiring a writ of Cōrciorari.

I most lamentable wise sheweth unto your good Lordship, your daily poyse orator J. W. of London, That whereas one A. H. of London aforesaid Merchant Tailor, borrowed of your said Mayor twelve pounds sterling, to be paid to the said &c. at a certaine day betwixt them agreed, which day was expired, and the said summe of money not paid, wherefore the said A. for that he had not ready money, desired your suppliant to take a certaine white broad cloth in pawne, containing forty yards, cut in peeces, for the said twelve pounds, which cloth was sold and delivered to your said Mayor by a Bill of sale, wherein the said A. H. standeth bound, with condition in the same Bill declared, That if the said cloth were not redeemed by a day certaine, in the said bill limited, that then the same cloth to be to the onely use of your said Mayor, for contentation & whole payment of the said xij. pounds.

Since

Since the which time the said A. counselled your said Datoz to put
the said cloth to one L. ap. of London Merchant, to be died of se-
veral colours for his most profit, by the meanes whereof the said A.
was contented to take the said broad cloth for the payment of the said
money, and afterward the said cloth was delivered to the said L. ap.
and within few daies after the deliverie of the said cloth to the said L.
one M. ap. Spaniard affirmed a plaint of debt against the said A. and
according to the custome of the Citie of London, hath caused Attach-
ment to be made of the said broad cloth, as debt due by the said A. un-
to the said M. whereas the said cloth is your said Datoz: notwithstanding
by reason of the said Attachment, your said Datoz retained
Counsell in the Guildhall of London, where the matter was at an
issue, whereupon the Jurie was impanelled, since the which time
for the space of three Court dayes, your said Datoz did give atten-
dance there to have the said matter heard, and the said Plaintife and
Counsell would not suffer the said Jurie to appeere, so long as your
said Suppliant did apply and pursue his cause, with effect herein. And
so that the said A. and his counsaile would not proceed in his said ac-
tion, your said Datoz supposed, that it should no more be called by
an, by occasion whereof, your Datoz being about his business in the
Countrey, in the meane time, the said M. ap. with his Counsell (ha-
ving knowledge that your said Datoz was out of the Citie, and in
the Countrey) instantly laboured the Jurie to appeere in the absence
of your said Datoz, and by their subtiltie and craft the said Jurie did
appeere, and passed against your said Datoz, contrarie to all right,
law, and god conscience, which shall be to the great impoverishment
and undoing of your said Datoz for ever, unless your good Lord-
ships lawfull favour and succour be to him shewed in this behalfe. In
consideration whereof, might it therefore please your good Lordship
to graunt the Quenes writ of Cerciari, to be directed to the Datoz
and Sherifes of the citie of London, commanding them and either
of them, by vertue of the same, to certifie before your good Lordship in
the Quenes most honorable Court of Chancerie, at a certaine day
by your good Lordship to be limited, the said Attachment, and all the
matter concerning the same, & to examine the said matter, and all the
whole circumstance thereof, and to stand to such order and direction
therein, as shall stand with right, equitie, and god conscience: And
your said Datoz shall pray to God for the preservation of your good
Lordship long to continue.

*A Bill where a Turie hath passed in a matter wrongfully,
praying a Cerciorari.*

Seet. 143.

In most humble wise sheweth and complaineth unto your most Ho-
norable good Lordship, your poze suppliant and continuall Orator
J. of the citie of L. Boker, That whereas one A. of the said
citie Merchant stranger, within the said citie was possessed of, and in
certaine linnen clothes, to the value of 20. l. sterling, and to your poze
suppliants knowledge then, and as yet as of his owne more proper
goods and chattels, and so thereof being possessed, the same within the
said citie deliuered to your poze Orator, being a Boker, safely to keep
and to sel any marchandise by the discretion of your poze suppliant, to
the use of the saide A. by force whereof, your Orator made sale there-
of, to certaine persons within the same citie, and the money, goods, and
marchanvises thereof received and taken, deliuered unto the saide A.
And so it is, right honorable Lord, that after and since the sale there-
of made, one J. Merchant stranger, pretending a proprietie in the
foresaid linnen clothes, hath commenced an action upon his case a-
gainst your poze suppliant in the Guildhall, set and being within the
foresaid citie, before the Sherifes thereof, and thereupon hath deli-
uered that the said J. should have lost those goods, and that they came to
the hands and possession of your poze suppliant within the said citie by
way of trower. And furthermore that your poze Orator was sundrie
times required to make deliuerance thereof to the said J. and that re-
fused, and the same after ward sold, and the money thereof received
converted to your Orators use, to which matter one J. D. your
poze suppliants attorney, rashly without aduise ment or counsell
therein taken, said that your poze Orator did not sell the said clothes,
nor any part thereof, and upon the same matter, whether any sale
thereof was made by your suppliant or not, an Issue was taken, and
the Turie tried, sworne, and charged, found a sale made by your poze
Orator of the said clothes (as the truth was) nothing regarding to
whom the proprietie of the saide goods was, at the time of the sale
thereof made, because of the plea so brauiously pleaded, it was con-
fessed in point of iudgement, the proprietie thereof to be in the saide
J. D. and so it is, right honorable Lord, that the said attorney might
have taken an Issue, that your said Orator sold no clothes of the said
J. because of truth the clothes were the proper clothes of the said A.
and not the clothes of the saide J. and so the Turie should have tried
in whom the proprietie was, and because the proprietie was not put
in.

in due, the Jurie had no warrantie to enquire thereof, and in case they
 haue bene the clothes of the said J. as they were not indeed, your poye
 ought not by the order of the law to haue bene charged, because
 they were deliuered to your orator by the hands of the foresaid A. to
 sell, and your orator did accordingly. And the money, goods, and mar-
 chandizes thereof receiued, deliuered to the said A. and so if anie tres-
 passe or wrong was done to the said J. it was done by the said A. and
 not by your said orator, against to whom the said J. may take his action.
 For your poye orator at the time of the said action commenced, neither
 had the said goods in his possession, ne anie other things in lieu or con-
 sideration of the same goods. And also there is a custome within the said
 Citie, that if anie Upholster or Worker sell anie goods within the
 same Citie to anie person or persons of the same Citie, vpon the deli-
 uerie of any person, for, or at the request of him hauing witness of the
 deliuerie thereof to him made, or bring out the party who deliuered
 them vnto him, not being himselfe particeps criminis, should be dis-
 charged, and not dammified for that his offence doeing in making sale
 thereof. And also by the order of the common lawes of this Realme,
 a man comming immediatly to the possession of the goods, not being
 partie to the first wrong, shall not be charged in an action of trespassse,
 which matters, or any of them, if they had bene pleaded, had bene a
 sufficient matter of barre, and because they were not pleaded, your
 poye Suppliant could not be receiued to giue them in euidence to the
 Jurie, and so your poye orator is like to pay vnto the said J. the va-
 lue of the said clothes, the saide J. hauing no proprietie, right, nor title
 to the same, vnlesse your most honorable Lordships fauour be shewed
 herein. In consideration whereof, it may please your most Honora-
 ble Lordship, the premisses tenderly considered, to graunt the Kings
 most gracious writ of Cerciorari, to be directed to the Sherife of the
 saide Citie, commaunding them and euerie of them to certifie before
 your good Lordship the whole recozd of the premisses depending be-
 fore them, or either of them in the kings most gracious court of Chan-
 cerie, at a certaine day by your good Lordship to be limited, and there-
 in further to proceed, and further to graunt the Kings most gracious
 and spacie writ of Subpoena, to be directed to the saide J. commaun-
 ding him personally to appere before your good Lordship in the saide
 Court of Chancerie at a certaine day, and vnder a certaine paine by
 your good Lordship to be limited therein, to stand to &c.

Supplications, Bills,

A Bill containing that the plaintife taking up of a Mercer upon his credit, filkes and veluets, put his hand to the debt booke of the parcells of the saide filkes and veluets, witnessing his debt for the same: and afterwards the plaintife for the better security of his said debt, made him a bill of his hand for the same debt: and that the plaintife afterwards at the desire of the Mercer procured his eldest brother to become bound to the said Mercer for the paymēt of the plaintifes said debt, upon the Mercers promise, to take no aduantage therof, vntill after the death of the plaintifes father. Afterwards the Mercer dieth intestate, and the administration of his goods is committed to R. A. by a practise of the Mercers creditors, The administrator bringeth an action of debt against the saide plaintife upon his saide bill of debt: and also threatneth to sue the plaintife and his brother upon the said booke of parcels, & the bond: and then sheweth that he tendered the debt to the administrator, who refused the same, and so praieth proceffe.

To the right honorable sir Io. P. Knight, Lord Keeper
of the great Scale of England.

Sec. 144.

IA most humble wise complaining, sheweth vnto your honorable L. your daily Orator, **J. D.** Gentleman: That whereas your Orator being of late seruant in household to the right honorable Sir **C. H.** knight of the most noble order of the Garter deceased, late Chancellor of England, hauing then smal maintenance from **J. D.** of **D.** in the countie of **E.** Esquire his father, did make his estate knowne to one **P. B.** of London Mercer now deceased, being your said Orators vertie next kinsman, who was content to giue your saide Orator credit for diuers parcells of filkes and veluets, at sundry times amounting in the whole to the summe of 22. **l.** or thereabouts, for the which your Orator did subscribe his hand to the debt booke of the said **P. B.** wherein the said parcells of filkes were set downe vnder the same parcells, witnessing the said debt. And at another time after that, your said Orator did seale and deliuer vnto him a bill of your Orators hand for his better securitie of the payment of the saide debt. And afterwards because your Orator was but a yonger brother, the said **P. B.** desired your Orator to procure his eldest brother **P. D.** some and heire apparent of the said **J. D.** for the better securitie of the said debt to become bound to the said **P. B.** by obligation for the payment of the said debt, promising neuerthelesse to take no aduantage of the saide obligation, nor to put the same in suite during the life of the said **J. D.** whereupon the said **P. D.** at your Orators request did become bound to the saide **P. B.** by obligation accordingly, and your Orator did then seale and deliuer

deliver to the said P.D. his byather a counterbond to save him harme
 from the said Obligation. So as the said P. B. by the severall
 names aforesaid had by severall kinds of assurances or specialties for
 one and the selfe same debt, that is to say, his debt book subscribed with
 your orator's hand, a bill of debt sealed and delivered unto him by your
 orator, and an obligatiō sealed and delivered unto him by the said P.
 D. And now to it is, if it may please your good L. that the said P. B.
 is lately deceased, after whose decease the administration of his goods
 and cattels is committed to one R. A. an unknowne person that cannot
 be found whose name is but used by others in al unconscionable suits.
 for if it may please your good Lordship, R. S. alderman of London,
 R. W. and J. S. pretending themselves to be creditors of the said P. B.
 having procured the said bill of debt and obligation to be set over unto
 them, have thereupon not only commenced suit in the Qu. maiesties
 court of common pleas at Westminster, in the name of the saide R. A.
 as administrator of the goods and cattels of the said P. B. against your
 said orator upon his saide bill of debt of 22. l. but also doe threaten to
 commence one other suite against your said orator upon the said debt
 booke, and a like suite against the said P. D. upon the said obligation.
 And albeit your said orator have divers and sundry times offered and
 tendered to pay the said debt of 22. l. to the saide administrator, with
 such reasonable costs and expences as hath bin by him expended, & be-
 stowed in the said suit at the common law, & is ready to pay the same.
 Yet neuertheless the said R. A. R. S. R. W. and J. S. do refuse to ac-
 cept thereof. And the said R. S. &c. doe very hotely prosecute the saide
 suit at the common law in the name of the said R. A. contrary to equity
 and conscience, and do procure & cause the said R. A. to absent himselfe
 so as your saide orator can not tell where to finde him to deliver unto
 him any proccesse to compell him to answer to his said unconscionable
 dealing, & yet the said suit at the common law is still prosecuted in his
 name by the means & procurement, and at the costs & charges in law
 of the said R. S. &c. by some of the, who have procured the said debts
 to be assigned and set over unto them as is aforesaid. In consideration
 whercof, and for that it is against all conscience to take advantage of
 the saide treble assurances made for one selfesame debt: and for that
 your saide orator is remediable therein by the due course of the com-
 mon laws of this realme, and for that your said orator is ready to pay
 the principall debt being 22. l. together with reasonable costs of suite.
 May it therefore please your good Lordship to graunt unto your saide
 orator the Qu. maiesties most gracious writ of Subpoena, to be dire-
 cted to the said R. A. R. S. &c. commanding them and every of them
 to appere personally before your good Lordship in her Maiesties high

R. k. iij.

court

Supplications, Bills,

court of Chancery, at a certaine day, and vnder a certaine paine th^e in to be by your good Lordship limited, then and there to answer to the premises, and to stand vnto and abide such further order and direction therein, as to your good Lordship shall seme to stand with iustice and equitie, and your said Orator shall daily pray &c.

A Bill containing that a widow seised in fee of three messes &c. thereof enfeoffed diuers persons in fee for the performance of her last will and testament, and by the same she deuised the said messes &c. to her sonne in taile generall with diuers remainders ouer, and died, That the deuisee died, hauing issue the plaintife. That the seoffement and will is come to the defendants hands. That by colour thereof he hath entred and expulsed the plaintife, and hath made diuers secret estates to diuers unknowne persons to defraud the plaintife of his apt remedie by the common Lawe, and so prayeth processe against the defendant.

To the right Honorable Sir T. E Knight, Lord Keeper
of the great Scale of England.

Sect. 145.

In most humble wise complaining sheweth vnto your good Lordship your daily orator J. B. labourer. That whereas R. G. widow was lawfully seised in her demesne as of fee, of, and in three messes, twenty acres of land, meadow, leasow, and pasture, with the appurtenances, set, lying, and being in ^{the} in the county of B. And the said R. G. being so seised of all the premises, did of the same about forty yeares last past enfeoffe certaine persons, To haue and to holde to them and their heires, to the vse and performance of the last will and testament of the saide R. G. and by the same her Will deuised all the premises or the vse thereof to her sonne W. B. and to the heires of his body lawfully begotten, with diuers remainders ouer, and died, by and after whose death, the said W. B. into the premises entred, and was thereof lawfully seised in his demesne as of fee taile generall by force of the gift aforesaid. And the said W. B. so being seised of the premises, died of such an estate thereof seised, by & after whose death the same premises did descend and come to your said orator, as sonne and heire of the body of the said W. B. by force of the deuise aforesaid, by reason whereof, your said orator into the premises entred, and was thereof seised in his demesne as of fee by force of the said gift in taking the issues and profits accordingly, vntill of late, that is to say, about foure yeares last past, that as well the said deuise of seoffement and last will and testament aforesaid, as also diuers other evidences, charters, escripts, and muniments, concerning the premises, are by casuall meanes come to the hands, custody, and possession of one R. W. of S. aforesaid.

and said in the said county yeoman, who by colour of having of them, not onely entered into the premises, and therof expelled your said Wator, but also hath contrived divers secret estates to divers and sundry persons to your said Wator unknowne in purpose to defraude and deny your said Wator of his apt action and remedy by the course of the common lawes of this Realme, for recovery of the premises, to your said Wator utter undoing, and disinheretance for ever. And so much as your said Wator knoweth not the certaine number, nor the dates and contents of the said evidences, charters, escripts, or muniments, nor yet wherein the same be contained, whether in bagge, or boxe, sealed, or unsealed, or in chest locked or unlocked, by reason whereof your said Wator is clearly without all remedy for the recovery thereof by the ordinarie course of the common lawes of this realme. In tennet consideration whereof, may it please your good Lordship, the premises considered, to graunt unto your said Wator the Quenes maiesties most gracions wit of Subpoena, to be directed unto the saide Wator, commanding him thereby personally to appeare before your W. in the Quenes maiesties high court of Chaucery at a shor day, and vnder a certaine paine therein to be limited, then and there to answer to the premises, and to abide such order and direction therein, as to equitie and iustice shall appertaine. And your said Wator shall daily pray as he is bounden for the health & long life of your good Lordship, with all increase of honour to Gods will and good pleasure.

A Bill against two for the delivrie of heireloomes or principalls to the plaintife being sonne and heire; according to the custome of the Countie Palantine of Chester.

To the Right Honourable Sir Nicholas Bacon Knight, Lord Keeper of the great Seale of England.

Complaining, sheweth unto your good Lordship your daily Wator Scit. 146.
J. S. of Lincolnes Teme Gentleman, sonne and heire of J. S. of D. within the county of C. That whereas the said J. S. was in his life time lawfully possessed, of, and in hisners goodes and chattells as of his owne proper goodes, that is to say, plate, iewells, household stuffe, beastes, cattell, hoxses, and other manner of goodes, amounting to the value of five hundred pounds or neare thereabouts, and so being thereof possessed, made his testament and last will, ordaining thereof Elizabeth then his wife, and now wife to B. P. his sole executrix, and shortly after died, possessed of the premises as also saide within the
law

said countie of C. Immediately after whose death, the said C. did take
 vpon her the administration of the said goods and other the premises
 accordingly, by vertue whereof she was thereof possessed accordingly.
 But so it is if it please your Hon. that the custome of all the Countie
 within the said Countie of C. is, and time out of minde of man hath
 contrary hath bin, that if any person or persons being possessed of goods
 and cattels as of his own proper goods and cattels, and die thereof pos-
 sessed, that the next heire to him that so dieth possessed shall haue the
 best and principall thing of euery sort and kinde of the said goods and
 cattels so; and in the name of the principals and heire & ones, by force
 and vertue in herof your orator being the sonne and heire of the said
 J. S. was after the death of the said J. S. in lly entituled to a great
 part of the said goods & cattels amounting at the least in value to 200.
 pounds or nere thereabouts, by reason whereof, and so; that your said
 orator was at the time of the death of his said father vnder age of one
 and twentie yeres, and yet is, and in warde to the Du. maistie, and
 hauing the possession of so much of all the said goods and cattels as to
 your said orator did appertaine, and of right belong by vertue of the
 custome aforesaid, being very nere to the value of 200. pounds by de-
 liuerie of the said C. in her widowhood immediately after the death of
 the said J. S. your said orator did incontinently thereupon deliuer the
 same to the said C. to be safely by hir kept to your said orator, the, and
 to be in like manner safely redeliuered to your said orator at such time
 or times as by your said orator or his assignes she should be thereunto
 required thence which said redeliuerie made by your said orator to
 the said C. as aforesaid the said C. hath taken to husband one W. P.
 Gentleman, by reason whereof all the said goods, cattels, and other
 the premises were and did come after the said entermarriage into the
 hands and possession of the same W. P. which said C. thence the said
 deliuerie made by your said orator vnto her as aforesaid before the day
 of entermarriage, hath utterly refused to make any redeliuerie of the
 said goods and cattels so by your said orator to her deliuered as aforesaid,
 or yet to make any satisfaction thereof to your said orator, and the
 said W. and C. alwaies thence the said entermarriage have refused
 and yet doe refuse to redeliuer the same, or yet to make any satisfac-
 tion therfore to your said orator, notwithstanding many lawfull and
 gentle requests to the and either of them made in that behalfe by your
 said orator contrary to all right, equity, and conscience. In tender con-
 sideration whereof, and so;asmuch as your said orator doth not know
 or remember the certaine precise particulars or value of the said goods
 and cattels which do belong to your said orator, and deliuered
 by your said orator as aforesaid, by reason of your said orator then
 tender

your age being not then of discretion to haue the said noble and rull
 of, and so remediable by the order of the common law for the re-
 medy therof, or of any part therof, or to haue any satisfaction made
 by your said orator by the said B. and C. or by either of them. It may
 therefore please your good Lordship, the promises considered, to grant
 the Quenes maiesties writs of Subpoena, to be directed vnto the said
 B. and C. his wife, com manding them and either of them to ap-
 peare before your good Lordship, in the Quenes maiesties most hono-
 rable court of Chancerie at Westminster, then and there to answer
 to the promises, and therein to stand to, abide, and performe such or-
 der and direction as to your good Lordship shalbe thought to stand and
 be consonant to equitie and good conscience, and your said orator shall
 daily pray to God for your good Lordship, in health and honour long
 to continue.

*A Bill (by a noble man) containing that the plaintife tooke vp vpon his credits
 veluets and silks of the defendant at a deare rate, and gaue his owne bond
 with sureties for the payment of the same : and that afterwards hee tooke
 vpon his credit of him more veluets and silks at the like deare rate, and
 being within age knowledge a statute staple to the defendant for all his
 whole debt, vpon his promise to deliuer to the plaintife his obligatiō which
 hee had made for his first debt to be cancelled, the plaintife allowing inter-
 est to the defendant for the forbearance, notwithstanding the deare prices
 and rate he bought the stuffe at, for which the said debt grew, & then see-
 meth that he paid not his debt at the day contained in the statute staple, &
 that the defendant threatneth not onely to sue the said bond, but also to sue
 execution of the said statute against him, and prayeth deliuerie or release
 of his obligation and proces against the defendant to answer the bill.*

To the right honourable sir Christopher Hatton, of the most no-
 ble order of the Garter, knight, Lord Chauncellor of
 England.

Complaining theweth vnto your good Lo. C. & Lord D. That Sect. 147:
 Whereas he the said Lord D. during the time as he was vnder the
 age of 21. yeares at sundry times had and bought of one J. L. Citizen
 and Mercer of London diuerse parcells of yeces of veluets, silke, and
 such like at excessive prices, and not hauing then ready money to pay
 for the same, the said Lord D. together with one R. S. Gentleman,
 and others, did enter into sundry bonds to the said J. L. for the pay-
 ment thereof at seuerall daies after, alwayes allowing vnto the said
 J. L. one and besides the excessive prices which he was to pay for the
 the

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the same belnets and silkes farther consideration, or rather as it may be said blurr for the forbearing thereof till the time of payment. And afterwards the said L^o. D. during the time of his minority also said, had and did buy other parcells of belnets, silkes, and such like, of the said J. L. at like excessive prices, which likewise the said L^o. D. did not then pay for the prices or summes of money whereunto the said parcells of belnets, silkes, and such like, lastly had and bought after the like excessive prices & rates, together with the said prices or summes of money before due for the other parcells formerly had and bought by the said L^o. D. together with consideration or rather blurr for the forbearing of and for the payment thereof till a certaine time then agreed upon betwene the said L^o. D. and him the said J. L. did amount and come to the summe of 500. l. for the payment of which said summe of 500. l. at the time agreed upon hee the said L^o. D. at and upon the motion, meanes, and intreatie of the said J. L. did during the time of the minority of him the said L^o. D. become bounden by one Statute Staple unto the said J. L. in the summe of one thousand pounds of good and lawfull money of England, taking the word and promise onely of the said J. L. to deliver unto him the said L^o. D. or his said sureties the said bonds which before hee the said L^o. D. and his said sureties had entred into to the said J. L. or otherwise that hee the said John should and would cancell and make void the same, so as thereby or by reason of any of the said bonds the said L^o. D. nor any of his said sureties should be in any wise sued, vexed, troubled, or charged. But now so it is, if it may please your good Lordship, that the said J. L. although he hath bene thereunto in most gentle and friendly manner earnestly requested and desired by the said L^o. D. the said J. S. and other the said sureties of the said L^o. D. to deliver unto them the said bonds so by them made, and entred into to the said J. L. as is aforesaid, or otherwise to cancell and make void the same, yet that to doe the said J. L. hath utterly refused and denied, and still doeth deny & refuse to doe the same. But contrary to his said word and promise as aforesaid made and given unto the said L^o. D. for the redelivery thereof, or otherwise to cancell and make void the same bonds, doth now daily threaten to put the same in suit at the common law, & against the sureties of him the said L^o. D. or else already hath so done contrary to all right, equitie, and good conscience. And besides this, because the said L^o. D. did not pay unto him the said J. L. the said summe of five hundred pounds at the time limited for the payment thereof, which in very trueth hee the said L^o. D. could not well doe unless hee would haue made sale of his lands to his great dishonour and losse. And notwithstanding that hee the said L^o. D. hath

not sought

and made meanes to the said J. L. to compound with him in reasonable sort, and to accept his money at reasonable payes, such as he the said Lo. D. could and might be well able to satisfy and pay the same, the rather considering his great interest allowed in recompence for the forbearing of time, & giving day of payment, and the excessive payes for which he sold the same silks, velvets, and such like to the said Lo. D. yet he the said J. L. hath done and daily doth sake and goe about to sue execution, and to take the benefit of the said statute of 1000. l. against the said L. D. contrarie to all equitie and good conscience. The premises therfore tenderly considered, and so far as much as the said Lo. D. the said R. S. and others the said sureties of him the said L. D. or any of them, can not please any good or sufficient plea in avoidance or discharge of the said bonds and statutes, no of any of them, whereof the said J. L. most unconscionably seeketh and goeth about to sue, procure, and take the penaltie, execution and forfeiture against him the said Lo. D. and his sureties, by the ordinarie course of the common Lawes of this Realme, and the rather, for that also the said Lo. D. is and will be ready for the further discharge of the said R. S. and others his said sureties, to satisfy and pay unto him the said J. L. the said summe of 500. l. at such dayes and times, and in such manner and forme as to your good L. shall in equity and right seeme mete and convenient. It may therfore please your good L. to grant her supplicacion most gracions writ of Subpoena, to be directed to the said J. L. commanding him thereby at a certaine day, and under a certaine paine therein to be limited, personally to appeare before your good L. in her Maiesties high court of Chancery, then and there to answer to the premises, and to shew cause why he the said J. L. should not rebeliner the said bonds to the said Lo. D. and his said sureties, or else to cancell and make void the same, or otherwise thereof to release, discharge, and save harmlesse the said Lo. D. his said sureties, as in right and equitie it behoereth: and further to stand to and abide such order and direction therein, as to your good L. and the said Hon. Court shall seeme best to stand with equitie and good conscience.

*The Answer of J. L. defendant to the Bill of complaint
of Ed. Lo. D. complainant.*

The said defendant by protestation not acknowledging or confessing any matter or thing in the said Bill of complaint contained material for the said debt to be answered unto to be true in any manner or manner in and by the said bill of complaint is set forth and alleged. She answereth, that she said complainant about four years past
at

Sec. 148.

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at severall times have bought of the said Def. divers parcels of silkes, beluets, and wares, amounting unto the summe of 159. £. 4. s. 7. d. thereabouts; all which parcells the said Defend did sell unto the said complainant for and at reasonable prices, considering the daies of payment, and for the true payment of some part of the said summe, he the said Ro. W. together with the said R. S. in the said Bill of complaint named, and one D. C. being then the said complainants servants, did become bound to the said Defendant by two obligations which they sought. And long afterwards, that is to say, in the moneth of Maie 1588. the said Ro. W. having occasion to use other necessities for himselfe and his wife, and having detained the aforesaid summe of 159. £. 4. s. 5. d. from the Defendant a long time, did in the said moneth of Maie 1588. in respect of the said time past allow the said Defendant for consideration but 26. £. 13. s. And in the said moneth of Maie the said complainant at his earnest request had a new supply of wares amounting to 73. £. 15. s. 4. d. and did then accept of and acknowledge certaine parcells had to his use by the said Christopher son, to the value of 3. £. 17. s. 9. d. which foure summes do amount to 255. £. for al which said debt the complainant gave his owne obligation to the said Defendant endorsed with condition for the payment thereof the 24. day of June 1588. After which bond for 255. £. taken, and before the same was due, viz. about the last day of the said month of Maie 1588. the said complainant standing in need both of money and other necessary furniture for himselfe, his wife, and house, earnestly did intreate the said defendant to lend unto him the said complainant the summe of fiftie pounds in ready money, which he protested to be for prosecuting an earnest suit he had against one Sir J. L. knight, as this Defendant remembereth, which although the said defendant could then perform hardly, yet he the said defendant made means for so much money, and did lend the same fiftie pounds to the said complainant for twelue moneths, upon allowance of five pound for the same for the said time and no more. And also further did most earnestly desire and intreat him the said Defend, to sell unto him so much silkes, beluets, and wares to furnish then his present want, as should make the present summe of 255. £. by his bond, and the fiftie pounds lent in ready money, with the five pounds for interest thereof as aforesaid, amounting to the summe of 303. pounds, and thereupon the said Defendant delivered and caused to be delivered to the said p^r his assigns about the said last day of Maie and in June following the said silkes, beluets, and wares at reasonable prices considering the time he gave for payment of his money due for the same to the value of 190. £. 17. s. 4. d. which made up all the former summes 300. £. 17. s. 4. d. And for payment of the said summe

of 500. l. parcell of the said debt of 500. l. 17. 3. 4. d. the said complt did
 knowledge to the said def. a recognizance or bond obligato^y of the na-
 ture of a Statute Staple of 1000. l. in the said bill of complt mentioned,
 upon which Statute knowledge the said def. delivered to the said complt
 to be canceled the foresaid bond made by the said complt to the said def.
 for payment of 255. l. And shortly after the knowledging of the saide
 Statute, that is to say, about the space of iij. or 4. weekes after, a long
 before the time limited for the payment of the said def. principall debt
 of 500. l. the said complt purposing to defeat the said defen. of his said
 just and due debt, did pursue a writ of Audira querela, supposing him-
 selfe thereby to be within the age of xxi. yeares, both then and at the
 time of the knowledging of the said Statute, upon which writ after the
 same was returned into the court of common pleas, and before the said
 def. had notice or understanding of the same, the said complt and others
 the solicitors of the cause after that he was inspected & viewed by the
 Justices of the same court, did produce or cause to be produced ij. per-
 sons or witnesses before the saide Justices to be deposed that the alle-
 gation & surmise of the said Audira querela was true; viz. that the said
 complt was then and at the knowledging of the said Statute under the
 age of xxi. yeeres, which witnesses were examined and deposed accor-
 ding in the behalfe of the said complt before the said Defend had any
 knowledge or understanding of the said complt proceeding therein, and
 before any writ or Scire facias was awarded and taken forth to warne
 the said def. of the said suite, as by the said depositions and proceedings
 therein remaining of Record in the said court of common pleas, wher-
 unto the said def. for certainty of the times doth referre himselfe moze
 certainly both appeare, which said suite of Audira querela for the as-
 signing of the said Statute the said complainant by his solicitors and
 servants did most earnestly follow upon a bare pretence that the saide
 complainant wanted some few moneths of the age of one and twentie
 yeares, for maintenance of which saide Statute the said defend was
 called in by proces and did pleade thereunto, after which plea pleaded,
 and after the said Def. had been drawn into great charges and expen-
 ces for the defence of the said Statute and cause, the said complt and his
 counsel, solicitors, attorny, or some of them, seeing no likelihood to pre-
 vaile in that course, did become nonsuit, and without any regard had
 of the penalty thereof, did faile and neglect to pay to the said defendant
 his said principall debt of five hundred pounds at the dayes and times
 wherein the same was limited and appointed to be paid by a writing
 of recognizance made betwene the said complainant and def. touching
 the penalty of the said Statute, the same dayes of payment or some of
 them being now expired xviij. moneths past and moze, and yet the
 whole

whole debt still unpaid unto the said defendant, for payment whereof, the said def. hath and doth keep the said statute and the first two bonds wherein the said complt. with his men are bound as his sureties as aforesaid for payment of part of the said principall debt, being this def. owne proper goodes as both by law and conscience the said defendant thinketh he may lawfully doe. And yet neuerthelesse the said defend further saith, that if the said complt. will forthwith pay vnto him the said defendant the said summe of 500. pounds being his principall and iust debt, together with the charges he hath bene put vnto, and consideration after the vsuall rate of x. l. for the hundredeth, like as the defend himselfe doth pay to others for the long time the said def. hath so borne his said debt, he the said def. will forgoe the penalty of the said statute, and will deliuer the same statute and the said bonds to the saide complainant, without that, that the said defendant did sell vnto the saide complainant anie peece or peece of velvet or silke at the severall times in the bill mentioncd, or anie other time, or any other things at anie exccssive or vnrasonable price the dayes of payment considered. And that the said complainant did oger and besides the exccssive price of any such thing allow and pay to the said defendant any further consideration or vburp for the so bearing thereof till the time of payment, therwise then is befoze truly laid downe in this answer. And that the said complainant and that the said K. S. or any other did enter into any more bonds for any the summes in the said Bill mentioned to the said def. then such as befoze are confessed to the knowledge of this def. And without that, that the said complt. did at the intreaty of the saide def. during his the said complainants minority enter into the said statute in the Bill mentioned to the knowledge of this def. but vpon the importunate request and intreatie of the saide plaintife to supplie his wants as aforesaid, the said Def. was content to accept of his said statute, not being able to giue better assurance as the said defend required. And that the said Def. did then or at any other time promise to the said Complainant or his saide sureties in the Bill mentioned any the bonds by them or any of them entred into to the saide Defend, for touching the said debt as he now remembzeth, or any part thereof, other then the said Obligations which the said Defend. did redeliuer to the plaintife to be cancelled as aforesaid, or did promise to cancell or make void the same in manner and forme as in the said bill of Compt. is surmised to the remembrance of this defendant. And without that, that the said complainant or any other for him did require the redelivery of the said bonds as this defendant remembzeth, or that there is any cause or reason why the said complainant should make any such request or the said Defendant to make any such promise vntill his saide debt

debt be paid. And without that, that the said comp^t hath o^r both like
to make any reasonable composition with the said def. fo^r o^r touching
the said debt, o^r any part thereof, but rather hath endeavored to defeat
the said def. of his said debt. And therefore he p^r said def. hopeth that the
said comp^t shall not have o^r receive any sa^vo^r in this y^e Court against
the said def. seeing that the said def. desireth nothing else but his p^rinci-
pall, with reasonable recompence fo^r the great wrong & iniuria p^r said
comp^t hath done, both in putting him to great charges & expences & by
the long withholding & detaining of the said debt as aforesaid, without
that, that the said def. hath hitherto taken o^r recovered the penalties of
the said statute o^r bonds, o^r any of them, o^r that the said comp^t is o^r
hath shewed himselfe at any time ready to satisfie p^r said debt unto the
said def. o^r any part thereof in manner and forme, as in the said bill of
comp^t is alleged. And without that, that any other matter o^r thing &c.

A Bill exhibited against a Nobleman, and against divers tenants and Far-
mers, and officers of divers manors, containing that the nobleman for his debt
due to the plaintife became bound in a statute of staple of 1200.li. & for that
the debt was not paid at the day it was due the plaintife extended divers ma-
nors and lands which the nobleman had, & was seized of at the time hee know-
ledged the said statute, and had sold the same before the time of the extent to
divers persons, and upon a Liberate to the Sherife, had the same manors and
lands deliv^{er}ed unto him to holde in extent till his debt were satisfied: After-
wards upon the noblemans suite to the L. Chancellor, & upon the L. Chancel-
lors request to the plaintife he was contented to forbear the taking of the pro-
fits of the lands extended, & to referre the hearing and ending of the matter
touching his debt to two thereunto appointed by the L. Chancellor, who heard
and ended the matter, the which end afterwards the nobleman refused to per-
forme, whereupon the plaintife went about to take the benefit of his extent, and
to keepe Courts, and underst^{and} what lands, and how the tenants held, & what
rents and services they paid for the same, but could not performe his purpose
therein, for the tenants and the noblemen had the Court-rolls in their keeping,
& the leases, rentals &c. & would not let him see the same, & that the noble-
man refused to suffer the plaintife to enter into the manors & lands extended
to keepe any Courts, and would not suffer the tenants to pay the plaintife a-
ny of the rents or services due for the same manors, or to declare unto him
what the same rents & services were. And th^{at} the plaintif prayeth that the te-
nants, occupiers, and farmers of the said manors may upon their othes bring
forth their leases, and declare what lands they hold, and what rents and ser-
vices eney of them pay. And that all the defendants may shew to the plaintife
the Court-rolls, rentals, books of survey, field bookes, and terrors in their custo-
dy, and so prayeth proces against all the defendants.

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To

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To the right Honorable Sir C. H. of the most noble order of the
Garter Knight, Lord Chancellor of England.

Sect. 149.

IA most humble wise complaining sheweth to your good Lordship
your daily Debtor J. L. citizen and Clothworker of London, that
whereas the Ho. Ed. lord P. Baron of K. the last day of December in
the 26. yeare of the reigne of our soveraigne Lady Quene Elizabeth,
before Sir Christopher May knight, lord chiefe Justice of the pleas
before her Highnesse to be holden, did acknowledge himselfe to owe to
your debtor the summe of CCC. l. of lawfull English money by his re-
cognizance in the nature of an estatute Staple, with a deselance there-
upon made for the true payment of divers severall summes of money
at sundry severall daies now long sithence past. And whereas like-
wise the said Ed. lord P. was and stood justly indebted to your saide
Debtor in divers other summes of money by other bonds, as also by
your Debtors booke, for divers wares taken up of your Debtor for
the use of the said lord P. And whereas also Tho. P. Esquire, bro-
ther of the said lord P. stood indebted, and did owe to your said debtor
other certain summes of money, for the payment wherof the said L. P.
did undertake & did make to your said Debtor many severall and sun-
dry promises, the which (as yet) he hath in no sort performed. And
whereas the said L. P. at the time of the knowledging of the foresaid
statute Staple was lawfully seised in his demesne as of fee, of, & in the
manors of H. M. A. and B. with y. laires twice in the yere, with one
market holde every week at H. aforesaid, with the hundred of F. with
enery of their appurtenances, scituate, lying, and being in the countie
of Suffolke, and of & in the manor of H. with their appurtenances
in the said countie of Suff. which said manors and other the premises
aforesaid the said lord P. by lawfull assurance and conveyance in the
law, did bargain, sell, convey, and assure the same, with all and enery
their appurtenances whatsoever, to one Tho. lord of H. in the saide
countie of Suffolke Esquire, and to his heires for ever, by vertue of
which conveyance and assurance the said L. P. was and is yet seised of
the said severall manors, and other the aforesaid premises in his de-
mesne, as of fee. And whereas the said Ed. L. P. was likewise seised
in his demesne as of fee at the time of the knowledging of the said sta-
tute Staple of & in the manors of S. P. and M. with thadwosons of
S. W. P. and W. with their appurtenances in the countie of Suff.
aforesaid, which said severall manors, and thadwosons aforesaid, the
said lord P. by like conveyance & assurance did convey and assure the
same to one Ed. B. late of D. in the said countie of Suffolke Esquire
deceased, and to his heires for ever, to thonly use and behoofe of the said
Ed. B. his heires and assigns for ever, by whose death E. B. sonne and
heire

heire of the said E. B. esquire deceased, was, and yet is seised of the said manors of S. 990. and W. 9 of the advowsons of S. 990. and W. 10. in his demesne as of fee. And whereas the said lord 990. was at the time of the knowledging of the said Statute Staple likewise seised in his demesne as of fee, of, and in the manor of B. with thappurtenances feutuate and extended into the towne of S. P. ec. in the aforesaid countie of S. P. folke, which saide manor the said E. lord 99. did likewise convey unto L. G. Gent, and to his heires for ever, to the onely use and behoofe of the saide L. G. his heires and assignes for ever. And whereas the said E. lord 99. was at the time of the said Statute knowledged, and yet is seised of and in the manor of A. with thappurtenances in the said countie of S. P. folke in his demesne, as of fee, and being indebted to your said W. 10. as aforesaid, your W. 10. made sundrie and divers earnest requests for the getting of the said debt & summes of money aforesaid, and your W. 10. being by the said lord 990. promised to have the said debts at divers severall daies, yet none of them were performed or kept, whereby your W. 10. seeing no performance, but was delayed from time to time, your said W. 10. about two yeres sithence send south his severall writs of Extendi facias directed to the Sherifes of S. P. folke, Essex, Hertford, Sommersetshire, and Dorke, and to the Chauncelloz of the countie Palantine of Lancaster, for the extending of all the manors, lands, tenements, and hereditaments, within the Countiees aforesaid, whereof the said L. 99. was seised the time of the said Statute knowledged, which writ directed to the Sherife of the said countie of S. P. folke, was deliuered to one Clement Paston esquire then Sherife of the same countie, to be by him executed and returned accordingly. By vertue whereof the saide Clement Paston esquire did by the othes of a Jury swoyne and charged within the said county of S. P. folke, according to the due course of his Maiesties lawes, extend and appraise the said severall manors, tithes, markets, lands, tenements, and all other the premises with the appurtenances lying within the said countie of S. P. folke, as in and by the said extents remaining of record in this honorable Court of Chauncery, and by the returne of the said Sherife, with the seisure of the said severall manors into the Quenes maiesties hands, to the intent they might be deliuered to your W. 10. in extent, moze at large it both and may appeare. After which inquisition, extent, and seisure so taken, had, and made, your W. 10. sued forth her Highnesse writ of Liberate, bearing Telle the 4. day of February, in the thirtieth yere of her Highnesse raigne, directed to the saide Sherife of S. P. folke, commanding him thereby to deliuer the saide severall manors extended as aforesaid unto your W. 10. to hold them in extent, until your W. 10. were of the saide

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summe of 1200. l. with his costs & expences herein sustained, fully satisfied & paid. By vertue of which said writ, the said Clement Paston then Shriefe did deliuer in extant to your said Wzatoz the xij. day of March then next following the foresaid severall mannoys of H. III. A. and B. with the two faices holden twise by the yeare and the market of H. there holden euery wecke, with the hundred of F. with their appurtenances. And the said mannoys of H. with the appurtenances. And also the said Wannoys of S. W. & W. with the aduowsons and patronage of S. W. and W. with their appurtenances, together with the mannoys of B. with the appurtenances, & the foresaid mannoys of A. with thappurtenances, to hold to your said Wzatoz & his assignes according to the said extant, until the saide debt of 1200. l. together with your Wzatozs costs & damages, were taken & leuied of the premises. By vertue whereof your said Wzatoz was of the premises possessed, & so being possessed, the said Lord W. befoze that your said Wzatoz had o: could receiue any profite of the premises, o: of any part o: parcell thereof, by meanes o: reason of the said execution thereupon made & deliuered to your said Wzatoz, did make humble sute to your H. Lordship that it would please the same to moue your said Wzatoz to forbear the taking of the issues, rents, and profits of the said seuerall mannoys & other the premises, add from the molesting of the farmoys, tenants, & occupiers thereof so: the same, until your H. Lordship, o: some others to be by your L. appointed, had heard & determined the cause & reckoning betweene the said Lord W. and your said Wzatoz, whereupon your said Wzatoz was content at H. motion and request of your Honorable Lordship to permit the tenants of the premises to continue in their possession quiet, and to forbear the taking of the rents & profits thereof, and to referre the hearing & ending of all reckonings and demaunds betwene your said Wzatoz & the said Lord W. to the order and determination of W. Doctor S. one of the masters of this most Honorable Court of Chancerie, & to S. B. Gent one of your Honors Secretaries, being thereunto assigned and appointed by your L. in fauor of the said Lord W. who entred into examination of the premises in controuersie betwene the said Lord W. and your said Wzatoz, & by their meditations & at their requests your said Wzatoz was content to forgoe nere the summe of 100. l. of his iust demand, so that the saide Lord W. would content and pay the residue to your said Wzatoz in such sort, and at such times as the said master S. and master B. did conclude & set downe: but the saide Lord W. meaning and intending still to delay your said Wzatoz, and to keep him both without his money, and the profits of the saide mannoys and other the premises with the appurtenances, which were deliuered unto your saide Wzatoz in execution

execution towards the satisfaction of his debt, costs, and damages, did not onely neglect to performe the saide agreement and order taken by the saide maister W. and maister W. but hath e both bitterly refuse and denie to performe the same, by reason whereof your saide Watoz for the leuying of his debt, costs, and damages, did purpose and intend to take his benefit of the said execution, and for that end your saide Watoz about the feast day of Saint Michael the Archangel last past, traualled into the said county of Dorsetshire where the said manors and premises doe lie, and there did offer to keep Courts, and did likewise require the tenants, occupiers, and farmors of the said manors and premises to render and pay to your saide Watoz the rents, issues, and profits then due for the said premises to your saide Watoz, and therewithall your saide Watoz did require the said tenants and occupiers of the saide manors and premises to discover and make knowne to him how and in what sort and by what title they and euery of them did hold, claime, and enioy the severall parcells of the said premises which they the said farmors and occupiers did severally occupie, possesse, and enioy, to the end that your saide Watoz might hereafter be ascertained and instructed how to demand, recover, and come by the rents reserved vpon their severall estates and interests which be rightfully belonging and appertaining to your saide Watoz by reason of the said extent, but so it is, if it may please your Honorable Lordship, that the said L. Geo. R. L. Tho. D. Thosoz Godwin, Henry Blagden, Thomas Louell, Thomas Poze, Henry Wynde, Richard Vandsoz, Edmund Coles, Thomas Baylie, William Dyake, George Thurstone, Kap. Wator, being all Widders, Farmors, Tenants, Occupiers, and Officers of the saide Mannors and Premises, in whose hands and keeping all the Court Rolles, Rentals, Leases, and counterparts thereof, which touch or concerne the saide manors and premises, or any part or parcell thereof be and remains, have confederated together both to defeat your Watoz of his lawfull execution and estate in the premises, and also to defraud and bitterly to take away from your saide Watoz the rents, issues, and profits thereof, and therefore and so that end the said Lord Geo. &c. did not onely denie and refuse to permit and suffer your saide Watoz or any other persons to his wis to enter into the saide manors and premises, or to keep any Courts in and vpon the same, but also did and doe denie and refuse to pay to your saide Watoz any free or farme rents for the saide manors or premises, or to shewe to your saide Watoz how or by what leases or other titles they or any of them doe possesse or enioy the premises, or any part or parcell thereof, or what rents or services ought to be payed for the same, by reason whereof, your saide Watoz is like to be kept

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from the benefit of his said operation, against all right, equity, and conscience, unless your H. accustomed help be vnto him in this behalf extended. In tender consideration whereof, and for y^e the said R. & Co. being owners and occupiers of the manors and premises aforesaid, and do conceal and keepe from the knowledge of your said Ma^{ty}, as well their yerely rents, seruices, & farmes as also y^e right of their severall indentures of lease, as also y^e Court-rols, whereby your Ma^{ty} is without remedie either to recouer any yerely farme, or other the rents and seruices of the freehold or Copihold lands pertaining to the said manors, and for that your Ma^{ty} hath not the counterpanes of the sayd indentures of lease, neither knoweth the dates of the, nor the certaintie of the farmes reserved, or of the rents and seruices due and payable for the said lands, having not the Court-rols to shew forth, so as your Ma^{ty} cannot by the course of the common lawes of this Realme make any Auoynce either for the yerelie farmes, nor yet for the rents and seruices due vpon and for the foresaid freehold or copihold landes holden of the said severall manors as afoze, nor yet for any other duty or seruice due for the same, nor can shew forth the certaintie of the landes that the said tenants do severally hold. Wherfore please your H. Lordshippe, that some good order may be by your good L. set downe, whereby the foresaid severall farmers, tenants, and occupiers of the said severall manors, & all y^e other parties before mentioned, may be enforced to set downe vpon their othes, as also bring forth their severall indentures of leases, whereby your Ma^{ty} may know the severall dates of them, as also what lands they hold by the same, & by what yerely rents and farmes. And that the tenants of the said severall manors may likewise be enforced vpon their othes to set downe what lands they hold of the said severall manors either freely, or by copy of Court-Roll, and by what rents, fines, duties & seruices. As also the foresaid Ch. Lord Sh. having the custodie of any the rentals, court-rols, books of survey, field booke, or terrers concerning the foresaid severall manors, or any of them, may likewise be enforced to shew them forth to your Ma^{ty}, to y^e intent your Ma^{ty} may vnderstand what lands, tenements, or hereditaments, are holden of the said severall manors, or of any of them, & by what rents, duties, or seruices the said lands, tenements, or hereditaments are holden by, whereby your Ma^{ty} may according to equity and good conscience reape, receive, recouer, haue & take the yerely rentmes, issues, and profits of the foresaid severall manors and every of the, as in law & right belongeth vnto him, & as he ought to do, vntill your said Ma^{ty} be satisfied of y^e sum contained in his foresaid statute Kaple knowledged vnto him, as aforesaid, with his reasonable costes and damages herein sustained, and to thend that all these points may be performed

shewed accordingly, pray it further please your god A. to grāt to your
said Oꝛatoꝝ the A. n. p. a. most gracious writ of Subpœna, to be directed
to the foresaid Co. A. o. p. Baron of K. &c. commanding them and e-
uery of them thereby at a certaine day, and vnder a certain pain perso-
nally to appeare before your god A. in the said H. Court of Chancerie,
then and there to answer to the pꝛemisses, and to abide such further oꝛ-
der and directiō herein, as to your H. shal seme good to stād with right,
equity, and god conscience. And your said Oꝛatoꝝ shall accordingly to his
most bounden duty ever pray foꝝ the increase & continuāce of your god
A. in healty and all honour long to endure.

*The joint and severall answers of T. M. H. B. &c. Defendants, to the
Bill of complaint of I. L. complainant.*

The said defendants and euery of them, sauing to them and enorie
of them the aduantage of exception to the incertaintie & insufficien-
cie of the said bill of complaint, say, And first the said A. p. o. foꝝ him-
selfe saith, That he the said A. p. o. doth and hath by the space of two
yeares last past oꝝ therabouts exercised the Office of Bailiffe of the ma-
noꝝ of H. A. and B. in the said bill mentioned, whereof this defendant
supposeth A. L. O. to be seised of some estate of inheritance, and
hath in his hands some rentals of the said mannoꝝ, which this defen-
dant thinketh he ought not to impart to the saide complainant, neither
ought the said complt to haue the issues, rents, & pꝛofits of the said man-
noꝝ as this def. thinketh, foꝝ y as this def. hath credibly heard & verilie
belieueth it to be true, the said Co. A. o. p. in the said bill mentioned, the
day of the date of the said recognisance in the said bil mentioned, oꝝ at a-
ny time since was neuer seised in his demesn as of six sūper, six taile, oꝝ
frechold, of, & in the said mannoꝝ of H. A. & B. oꝝ any part oꝝ parcel ther-
of, as in the said bill is vntuly alleaged. But one A. H. was then se-
sed thereof, who since hath conueied the same to the said Th. A. as this
defendant hath heard. By reason whereof the said Th. A. ought in this
def. opinion to haue the rents, issues, & pꝛofits thereof, notwithstanding
the said execution, without that this defendant, is farmoꝝ, custumarie,
oꝝ free tenant of any part oꝝ parcell of the said mannoꝝ oꝝ other the pꝛe-
misses in the said bill mentioned, other then of parcell of the demesnes
of the said mannoꝝ of H. which this def. holdeth by lease foꝝ certain yer-
es yet to come, rendyng yerely 5. l. and of the Fairres of H. and the pꝛofits
thereof, which he holdeth foꝝ diuers yer-
es yet to come, rendyng yerely
26. s. 8. d. and of the 6. part of the Warren of H. which he holdeth foꝝ
diuers yer-
es yet enduring, rendyng 12. s. by yeare, oꝝ therabouts.
And of diuers frecholds holden of the mannoꝝ of H. by the rents

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A. l. iiij.

of

of: o. s. o) thereabouts. And without that, that this defendant hath in his hands any Court Rolls, Rentals, o) Leases, concerning the premises in his saide bill mentioned, other then in this answer before is mentioned, as in the said Bill is vntreuly alleaged. And without that, that this defendant hath vnlawfully confederated with any the persons in the sayde Bill mentioned, to defeat the sayd complainant of his lawfull execution and estate in the premises in the sayde Bill mentioned, as in the sayde Bill of complaint is also vntreuly alleaged. And the sayde Henrie Blake for himselfe saith, that he hath exercised the office of Steward of the said manors of H. and B. in the said bill mentioned, and of the manors of H. in the said Bill likewise mentioned lawfully constituted thereunto as this defendant thinketh by the said M. L. being seised of some estate of inheritance of the said manors, as this defendant supposeth: and that the Court Rolles and evidences concerning the sayd manors are kept in the house of the said M. L. at C. in the Countie of Suffolke, and are not at this defendants disposition to yield by o) impart to the said complainant otherwise then as the said M. L. shall appoint, whereof this defendant humbly prayeth this honorable Court to haue consideration: without that, that this defendant is Farmor o) Customarie o) free tenant of any part o) parcell of the sayde manors o) other the premises in the sayde Bill mentioned, o) hath in his hands any Court Rolls, Rentals, o) Leases, concerning the premises in the sayde Bill mentioned other then as in his answer before is mentioned, as in the sayde Bill of complaint is vntreuly swymised. And without that, that this defendant hath vnlawfully confederated with any person o) persons in the sayde Bill mentioned, to defeat the sayde complainant of his lawfull execution and estate in the premises in the said bill mentioned, as in the saide bill of complaint is also vntreuly alleaged. And the sayd Thomas Agneworth for himselfe saith, that he hath and both exercise the office of Bailiffe of the manor of S. in the said Bill mentioned vnder and by the appointment of M. B. Esquire in the said bill mentioned, whom this defendant supposeth to be seised thereof of some estate of inheritance, and hath in his handes certaine Rentals of the same manor, which Rentals this defendant thinketh he ought in duetie to kepe and vse to the benefit and service of the said Thomas B. and to employ the same according to his direction, and not otherwise. And further this defendant saith, that this def. is Farmor of parcell of the demesnes of the manor of S. aforesaide, which he holdeth for diuers yeres yet to come, yielding and paying therfore yerely 14. l. 8. s. 4. d. of lawfull money of England: And also holdeth by copie of Court Roll at the will of the Lord of the said manor of S. wanton Spozley, according vnto the custome of the sayde manor, diuers lands

lands and tenements within the precincts of the said manor, and yielding yearly for the same forty shillings or thereabouts, which rents this defendant thinketh are not payable to the plaintiffe, for that the rents reserved upon Leases made of any parcel of the extended premises before the knowledging of the said Statute, are not expressly extended nor delivered to the said complainant in execution. But the sayde complainant having extended and received the premises into execution, as he mean in possession is to Ray and expect full he may have and enjoy the same according to his extent, and to the deliverie thereof made unto him. And further this defendat saith, that the said manor of Swanton Pozley is, and at the time of the awarding of execution, was as this defendant thinketh the inheritance of the said Thom. B. which he then had by purchase from the said Lord Po. since the knowledging of the said Recognizance. And in as much as the said Lord Po. at the time of the knowledging of the said Recognizance had and was seised in fee simple, fee taile, or for term of life, as this defendant is credibly informed, and partly appeareth by the Schedule of the liveries of the sayde Lord Po. of and in the manors of V. in the Countie of Essex of the yearly value of one hundred pounds or thereabouts, and of and in the manors of F. and Wobehoberie in the Countie of Hertford of the yearly value of forty pounds or thereabouts, and of a certaine pecelie rent of thirtie pounds or thereabouts going out of the manor of Wobehobering in the Countie of Buckingham, and of divers other manors, lands, tenements, and hereditaments, in divers other countie of England, which ought to be contributory to the payment of the said twelve hundred pounds, and therefore the same is indubely & contrary to law charged upon the said manor of Swanton cum Wobehobering, which the said Thomas B. holdeth as a feoffee, for which cause the said T. B. as this defendat supposeth hath pursued his Scire facias against the said complainant in this honorable Court for the discharge of the said manor of Swanton cum Wobehobering from the said due execution, and from the recoverie of the issues and profits comming and growing of the same manor from the time of the said execution. For which cause this defendant humbly prayeth this honorable Court that the saide comp^t may be referred to the Common law to tryng his action against this defendant for the recoverie of the saide rents due upon such Leases and Coppie holds as this defendant holdeth of the saide manor of Swanton cum Wobehobering, wherein the validity of the saide Extent may be tried, so as this defendant may know to whom he may pay his sayde rents, without danger or further trouble. And this defendat is ready to stand to such order as this honorable Court shall award concerning the shewing unto the sayde complainant of his estate and

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and terme which he hath of & in any part of the said manors of Swan-
tuncum with things & holdeth of the same and other circumstances
thereof, without that & this defendant is Farmer & Customarie & free
tenant of any other part & partell of the said manors, & other the pro-
misses in the said Bill mentioned, & hath in his hands any Court-
Rolles, Rentals, & Leases concerning the premises in the said Bill
mentioned, other then as in this answer before is mentioned as in the
said bill of complaint is truly alleged. And without that that this
defendant hath unlawfully confederated with any the persons in the
said Bill mentioned, to defraude the said complainant of his lawfull exe-
cution and estate in the premises in the said Bill mentioned, as in the
said bill is falsely surmised. And the said Henry St. John for himselfe
saith, that he hath and doth exercise the office of Bayle of the manors
of Wokinge in the said Bill mentioned, whereof this defendant
supposeth W. L. Esquire to be seised of some estate of inheritance, &
hath in his hands certaine Rentals of the said manors, which Ren-
talls this defendant thinketh he ought in duty to keepe and use to the
benefit and service of the said W. L. Esquire, and to employ the same ac-
cording to his direction, & not otherwise. And further this defendant saith,
that he this defendant is Farmer of certaine demesnes of the said ma-
nors of Wokinge whereof he holdeth some part for yeares, and some for
life by lease made by & said Lord Sp. whose estate the said W. L. now
hath of in the same, paying and paying thereof yearly 30. l. & there-
abouts, with rent this defendant thinketh is not payable to the said co-
playnant, for that the rents reserved upon Leases made of any partell
of the extended premises before the knowledging of the said Statute
are not expressly extended nor delivered to the sayde complainant in
execution. But the sayd complainant having extended and received
the premises into execution as demesne in possession, is to say and ex-
pect till he may haue and enjoy the same according to his extent, and &
livery thereof made vnto him. And further this defendant saith, that
the said manors of Wokinge and Boxthuddenham are and at the
time of the awarding of the said execution were as the defendat think-
eth thier inheritance of W. L. which he then had by purchase from the said
W. Sp. since the knowledging of the said recognisance. And in as much
as the said W. Sp. at the time of the said recognisance had & was seised
in fee simple, for life, & for terme of life, as this defendant is credibly
informed, and partly appeareth by the Schedule of the livers of & said
W. Sp. of and in the manors of Balingbury Boxley, and Balcolt Mer-
ley in the county of Essex of the yearly value of 100. l. & thereabouts,
and of and in the manors of Furter and Rodenhobery in the Countie
of Hertford of the yearly value of 40. l. & thereabouts, and a certaine
yearly

verely rent of 30. l. or thereabouts going out of the manors of Hobbing-
 ton in the County of Buckingham, and divers other manors, lands,
 tenements, and hereditaments in divers other Counties of England
 which ought to be contributory to the payment of the sayde 1200. l. and
 therefore the same is lawfully and contrary to Lawe charged upon the
 said manors of Hocking, and Northuddenham, which the sayde
 maister R. holdeth as a Feoffee, for which reason the sayde R. as
 this defendant suppoeth, hath pursued his Seirefficial against the said
 Complainant in this honorable Court for the discharge of the sayde
 manors of Ho. and R. from the sayd unlaue execution, & for the re-
 couerie of the saide issues and profits, comming and growing of the
 same manors from the time of the said execution, for which cause
 this defendant humbly prayeth this honorable Court, that the sayde
 Complainant may be referred to the common Lawe to bying his ac-
 tion against this defendant for the recovery of the sayde rents due upon
 the said leases and estates which this defendant holdeth of the sayde
 manors, wherein the validitie of the saide extent and execution may
 be tried, so as the sayde defendant may knowe to whom to pay his
 said rent without danger or further trouble, & this defendant is ready
 to stand to such order as this honorable Court shall award concerning
 the shewing to the said Complainant of his estates and termes which
 he hath of and in the said parcell of the demesnes of the sayde manors
 of Ho. or holdeth of the same and other circumstances thereof without
 that, that this defendant is farmer, Custumier, or free tenant of any
 other part or parcell of the saide manors or other the premises in the
 said bill mentioned, or hath in his hands any Courtrolls, Rentrolls,
 or Counterpanes of leases concerning the premises in the said bill
 mentioned, other then in his answer before is declared, as in the
 said bill of complaint is truly alleaged. And without that, that the
 said defendant hath unlawfully confederated with any the persons in
 the said bill mentioned, to defeat the said complainant of his lawfull ex-
 ecution and estate in the premises in the said bill mentioned, as in the
 said bill of complaint is also truly alleaged. And without that, that
 any other matter or thing in the said bill of complaint mentioned materiall
 or effectual to be answered unto, & not herein sufficiently answered, re-
 fessed, & avoided, transced, or denied, is to these defend or any of their
 knowledges true, all which matters these defend are ready to avow and
 prove as this honorable Court shall award, & pray to be dismissed out of
 the same, with their reasonable costs and charges in this behalfe made
 & to be fully sustained.

Supplications, Bills,

A Bill into the Chancery for determining of evidences entering into a meadow and a pasture and making to themselves divers estates.

To the Reuerend Father in God Thomas Bishop of Ely,
Lord Chancellor of England.

Se^{ct}. 151.

In most humble wise sheweth and complaineth vnto your good Lord-
ships your daily orator G. J. that where W. J. father vnto your said
orator was seised in his demaine as of fee of and in fiftene Acres of
pasture and meadow with thappurtenances in Clare in the county
of Suffolke, and so being thereof seised died by protestation seised. Af-
ter whose death the said fiftene acres of pasture and meadow and all o-
ther the premises with thappurtenances descended and came, and of
right ought to descend and come vnto your said orator as son and heire
vnto the said W. J. So it is if it may please your good Lordship that cer-
tain evidences, dedes, charters, and other muniments concerning the
premises, are come to the hands and possession of W. C. Willows, and
A. C. who by colour of hauing the said evidences haue entered into the
premises, and haue conueied vnto them and to their heires diuers and
many estates in the law for the disherison of your said orator, and of
his heires for ever: And because your said orator knoweth not the cer-
taintie of the said euidence, nor whether it be contained in bag or box
sealed, or in chest locked, he is without remedie for the recouerie of the
same by the order of the common law, except your L. fauour be vnto him
shewed in this behalfe: In consideration whereof it may please your
good L. the premises considered, to grant a writ of Subpna, to be dire-
cted to the said W. C. Willows, and A. C. commanding them by the same
personally to appeare before your good L. in the Kings high Court of
Chancery at a certain day, and vnder a certain paine by your good L.
to be limited there to answer vnto the premises, and after to abide such
decree and order therein as to your good L. shalbe thought to stand with
right and conscience: And your said orator shall daily pray for the pre-
seruation of your Lordships hono^r long to endure.

*The Answer of one of the defendants to the Bill next before, who pleadesh
that the plaintifes Father solde the landes in the bill mentioned to T. H.
who sold the same to the defendants husband, who conueyed the same to
the defendant for her life. And sheweth, that at the time of the said pur-
chase, and after, the premises were in diuers Feessees in vse, and sheweth
afterwards*

afterwards the making of the statute of 27. Hen. 8. for transferring of uses into possession.

The Answer of M. G. Widdow, to the Bill of complaint of G. I.

The said defendant saith, that the said Bil of Complaint is vntrue, Sec. 1. 1. 1. vnertaine, and insufficient in the law to be answered vnto, and the matters therein contained determinable at the common Law, and not in this Honourable Court, whereunto the said defendant praieth to be dismissed, and the advantage thereof to the saide defendant alwaies saued, if she shall be compelled to make any further answer vnto the said insufficient Bill. Then for the declaration of the truth, the said defendant saith, That as to any pasture or meadowe in Clare the said defendant knoweth not that she is tenant of, or hath any that was belonging to the said W. J. within the said Towne or parish of Clare, or detaineth any evidence concerning the same to her knowledge: the said defendant saith, the saide W. J. mentioned in the said bill of But copl, together with J. W. alias Miller, J. F. &c. were seised of & in seuen Acres of pasture and Poore, and thre Acres and one Roode of meadowe in S in their demesne as of fee to the vse of the saide W. J. and of his heires, and so being thereof seised, the saide W. J. bargained and solde the pasture, moore, and meadowe last befoze re-membered vnto one L. H. and to his heires for euer: By vertue of which bargain the saide W. J. and his saide other Coscossars were thereof seised in their Demesne as of fee, to the vse of the saide L. H. and of his heires, and after the said W. J. died: And after whose death the saide J. W. &c. them held in by right of surrogship, and were thereof seised in their demesne as of fee, to the said vse last remembred: and being so seised to the saide vse, the saide L. H. bargained and sold the saide Pasture, Poore, and meadowe to one W. C. Gentleman, husband of the saide defendant and to his heires: By vertue whereof the saide J. W. and other his saide coscossars were seised of and in the same to the vse of the said W. C. and of his heires: And after for the further assurance thereof to the saide W. C. and his heires, the said J. W. and the other his Coscossars so being seised of and in all the premisses, did enfeoffe W. B. Esquire, S. F. gentleman &c. of and in the said pasture, moore, and meadowe: To haue and to holde the same to the saide W. B. &c. and their heires and assigns, to the onely vse and behoofe of the said W. C. and of his heires and

Supplications, Bills,

and assigns for ever: By vertue wherof the said **W. B.** &c. were thereof seised in their demesne as of fee, to the onely vse of the said **W. C.** and of his heires and assigns for ever, and so were thereof seised vntill the fourth day of February, in the 27. yeres of the raigne of our soueraigne lord king Henry the eight. At which day the saide **W. C.** was seised, of, and in the premises in his demesne as of fee, and by vertue thereof the said **W. C.** and his assigns haue ever since enioyed the premises peaceably and quietly without interruption, vntill now of late within these twelue months that the said complainant pretended title vnto the same, The estate of which **W. C.** of and in the premises with their appurtenances the said defendant for terme of her life the reuerſion ouer vnto **A. G.** gentl by lawfull conueiance in the law now hath: without that that any thing materiall or trauersable, other then that in this present answer is confessed and auoided, is true. Al which matters the said defendant doth auerre, and is ready to proue, as this honozable Court shall alward, and prayeth to be dismissed out of the same, with her reasonable costs for her wrongfull veration sustained in this behalfe.

The Replication of the Complainant to the Answer of one of the Defendants (whose Answer is not here) wherein he confesseth the sale of the said lands by his father, as before in the Answer of one other of the Defendants is alleged, but saith it was made upon condition of redemption, the which condition the vendor performed &c.

The Replication of **G. I.** to the Answer of **A. G.**

Sect. 153.

The said Complainant saith, that his said bill is certaine and sufficient in the Law to be answered vnto, and the matters therein contained are true, & not imagined of malice by the said complainant, to the onely intent and purpose to put the said def. to trouble, cost, and veration, in manner and forme as in the said Answer is vntreuely alleged. And for Replication vnto the said Answer the said compl saith as he in his said Bill hath said, that the said **W. J.** father to the saide complainant was seised of the premises in his demesne as of fee, in vse, & in possession. And the said **W. J.** to bring thereof seised by his deede indented bearing date the fourth day of Nouember, in the 22. yere of the late king Henry the eight bargained & sold the premises vnto the said **L. V.** his heires and assigns for ever, for the summe of fortye markes, whereof the saide **L. V.** paid vnto the saide **W. J.** twenty markes, and the other twenty markes to be paid vnto the saide **W. J.** at the feast of Saint Nicholas, which was in the yere of our

our Lord God 1534. Nevertheless, the said *W. H.* covenanteth and granteth by the said Indenture, that if the said *W. J.* his heires, executors, or assigns, at the said feast of Saint Nicholas, or in the meane time before, did repay vnto the said *W. H.* his heires, executors, and assignes the said twenty markes, that then the said bargain and sale to be void & of none effect, as by the said Indenture ready to be shewed moze plainly both and may appeare, by force whereof the said *W. J.* and the other his cofeoffors were seised of the premises to the vse of the said *W. H.* and of his heires. And after the said *W. J.* according to the said Indenture, and before the said feast of Saint Nicholas, did well and truly content and pay vnto the said *W. H.* the said summe of twentie markes, by force whereof the saide *W. J.* and the other his cofeoffors were seised of the premises in their demesne as of fee to the vse of the said *W. H.* and of his heires : And the saide *W. J.* and the other his cofeoffors so being thereof seised, the said *W. J.* died, after whose death the residue of the said feoffors were seised of the premises to the vse of the said complainant and of his heires vntill the fourth day of February, in the 27. yere of the late *R. Henry* the eight, at which day the said complainant was solely seised : And further auerreteth all and euery thing contained in his said bill to be true in maner & forme as he in his said bill hath alleadged, without that that the said *W. J.* bargained and sold the premises vnto the said *W. H.* and to his heires in such maner and forme (without condition) as in the said answer is vnto the alleadged : And without that that the said *W. H.* did lawfully bargain and sell the premises vnto the said *W. G.* and to his heires : *W;* that the said *W. J.* and his Cofeoffors were lawfully seised of the premises to the vse of the saide *W. G.* and of his heires : *W;* that the said Feoffors did or might lawfully enfeoffe the saide *W. G.* and others named in the said Answer to the vse of the saide *W. G.* and of his heires : *W;* that the said *W. B.* and the other his cofeoffors were lawfully seised of the premises to the vse of the said *W. G.* and of his heires. *W;* that the saide *W. G.* at the said fourth day of February, was lawfully and solely seised of the premises in fee : *W;* did lawfully and peaceably enioy the premises : *W;* that the said *H. G.* mother of the said defendant hath any lawfull estate from the said *W.* in maner and forme as in the saide Answer is vnto the alleadged : And without that, that any other thing materiall in the said Answer, which by this Replication is not sufficiently confessed and avoided or trauesered is true : All which matters he is ready to auerre &c.

Supplications, Bills,

A Bill into the Chancerie for a Commission upon the Statute of 13. Eliz. cap. 7. entitled, An Act touching orders for Bankrupts, and all the whole proceedings therein.

To the Right Honorable Sir Nicholas Bacon Knight, Lord
Keeper of the great Seale of Eng-
land.

Sec. 154.

Humbly complaining, sheweth unto your good Lordshippe your
daily Orators L. B. of C. in the Countie of M. Clothier, W. A.
W. of L. Grocer, W. C. Merchant, Subjects bozne of this Realme
of England as well so; themselves as so; others, subjects bozne of
the said Realme, and Denizens, Creditors of C. A. of L. Merchant
tailor, also a subiect bozne of the saide Realme. That whereas the saide
C. A. vsing and exercising the trade of Marchandise, & seeking his trade
of lining by buying and selling, vpon good and iust cause so; wares &
merchandize to him solde and deliuered, and also so; ready money
to him lent, being indebted to your said Orators in severall summes
of money amounting to the value of 300. £. And now of late, that is
to say, in this present moneth of November, in the 26. yeare of the
raigne of our Soueraigne Lady the Queens Maiestie, about the second
day of the saide moneth of November, did begin to keepe his house
secrete in the said citie of London, and thence hath departed from
his said dwelling house, and absented himselfe, to thintent to defraude
and hinder your saide Orators and other his Creditors of their iust
debts and duties to them due and owing, & so is become a Bankrupt:
by reason whereof, & so; that the saide Bankrupt and others his co-
federates have deuised and contriued diuers secret estates and sinister
practises so; the conueying and esloyning of the body of the said Bank-
rupt, and of all lands, goods, debts, and other things belonging to the
said Bankrupt, in such wise, as your Orators are without helpe so;
recouring or obtaining of their said iust debts and duties, but only
by complaint to your Lordship, and thereupon to haue remedie ac-
cording to the Statute touching orders so; Bankrupts, in the Parli-
ament begun and holden at Westminster the second day of April, in
the 21. yeare of the Raigne of our said Soueraigne Lady the Queens
Maiestie made and provided. In consideration thereof, may it please
your good Lordship to grant the R. Maiesties most gracious Com-
mission to bee directed to such and so many wise and honest discrete
persons as to your L. shall seme good: Authorizing them not onely
concerning the said Bankrupts body, Lands, freeholde, and Custo-
mary goods, debts, and other things whatsoever, but also concerning
all

all other persons which by concealment, claime, or otherwise doe or shall offend touching the premises, or any part thereof, contrary to the intent and true meaning of the said Statute, to do and execute all and every thing and things whatsoever, as well towards & for satisfaction and payment of your said orators, as towards and for all other intents & purposes, according to the ordinance & provision of the said Statute: And your said Orators shall daily pray &c.

The Commission upon the Statute of 13. Elizabeth. Cap. 7. made against Bankrupts and granted to the Creditors upon the Bill next before.

Elizabeth by the grace of God Queene of England, France, and Ireland, defendour of the faith &c. To our trustie and welbeloued Sir Rowland Heyward Knight, John Langley Alderman of our citie of London, Thomas Watton, Thomas Aldersey, Thomas Egertts Percers, and William Wignall Merchant Taylors of our said citie of London, greeting. Whereas we be enjoined, that C. A. of London Merchant Taylors using and exercising the trade of merchandise by way of bargaining, and seeking his trade of living by buying and selling, and being a subject boine of this our Realme of England, in this present moneth of November, in the sixteenth yere of our Raigne, viz. about the second day of the same moneth, did begin to keepe his house situate in London aforesaid, and thence hath departed from his sayd dwelling house, and absented himselfe, to the intent to defraud and hinder M. B. of C. in the Countie of Devonshire Clothier, W. P. of London Grocer, M. C. Merchant, and others his creditors, being also Subjects boine of this our sayde Realme, of their iust debts and duties to them due and owing, and so is become a Bankrupt, Wee minding the due execution of the Statute touching orders for Bankrupts in our Parliament holden at Westminster, in the 13. yere of our raigne made and provided, upon trust of your wisedomes, diligence, and prudent circumspections, which we have conceived in you, doe by these presents name, assigne, appoint, constitute, and ordaine you our speciall Commissioners, giving full power and authoritie unto you, five or foure of you, whereof they the sayde Sir Row. H. J. L. or M. P. to be one, according to the sayde Statute, not onely concerning the sayd Bankrupt his bodie, lands, tenements, and Customarie goods, debts, and other things whatsoever, but also concerning all other persons, which by concealment, claime, or otherwise doe or shall offend touching the premises, or any part thereof, contrary to the intent and true meaning

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Supplications, Bills,

ning of the said Statute, to do and execute according to the said Statute all and every thing and things whatsoever as well for & towards satisfaction and payment of the said creditors, as towards & for all other intents & purposes, according to the ordinance & promise of the said Statute: Willing & commanding you, sine oī source of you, whereof Sir Row. W. J. L. & W. W. to be one, to proceed to the execution & accomplishment of this our commission, according to the true intent & meaning of the said Statute with all diligence and effect, as our special trust is in you: Witnesse our selues at Westminster the 5. day of November, in the xv. yeare of our Raigne.

A precept from the said Commissioners, to the Officers, to make proclamation according to the said Statute against Bankrupts; that the said Bankrupts before a day certaine come in & yeeld his body to the Commissioners or to one of them.

To the Bailifes and head Officers of the Burrough of Southwarke.

Sect' 156.

WE the Commissioners hereafter named by vertue of the A. Vighnes Commission, to vs directed, require & charge you s. sundry market daies next ensuing the receipt hereof, to make s. sundry Proclamations in maner and forme hereunder specified.

The Proclamation.

Sect' 157.

THE A. Vighnes highnes doth strictly charge & command C. A. Merchant Taylor of the city of London, that he at oī befoze the day of next comming in the Guildhal of London, oī where you shal appoint, yeeld his body befoze Sir Row. Wepward knight, oī befoze some one of the said commissioners appointed by her highnes vnder her great seale of England, til the due execution of the statut touching oīders for Bankrupts lately made & provided, vpon pain & peril of the penalty of the law in that case limited and appointed.

An Indenture vpon the said Commission and Statute of Bankrupts betwixt the Commissioners of the one partie, and the Creditors of the other party, whereby the Commissioners after view, search, and presentment made, sell certaine of the goods of the debtors vnto the creditors in part of satisfaction of their debts, with a Schedule annexed vnto the said Indenture which is likewise indented, wherein are conteyned the particulars of the goods with their severall prices, as they bee prized by the Commissioners, to the one of which Indenture is put to the hands & seales of the said commissioners, & to the other of the said Indentures the hands & seales of the Creditors.

This

This Indenture made as. Betwene Sir R. H. Knight, A. M. C. D. C. F. of the one partie, and C. H. and J. A. creditors of C. A. Citizen and Merchant Taylor of London on the other partie, witnesseth, That where our said Soueraigne Lady the Quene's Maiesie that now is, by her highnesse letters of Commission, bearing date at Westminster the fifth day of November last past befoze the date hereof, minding the due execution of the statute touching orders of bankrupts in her Parliament holden at Westminster in the thirtieth yeare of her Highnesse said Maiesie made & provided, reciting, that whereas her Maiesie was informed, that C. A. of London Merchant Taylor, using and exercising the trade of Merchandize by way of bargaining, and seeking his trade of lining by buying and selling (and being a subiect bozne of this her Realme of England) in the said moneth of November, in the sixtenth yeare of her Maiesies Maiesie, that is to say, about the second day of the said moneth, did begin to keepe his house, situate in London aforesaid, and thence hath departed from his sayde dwelling house, and absented himselfe, to the intent to defraud and hinder his creditors, being also subiects bozne of this her said Realme of England of their iust debts and duties to them due and owing, and so is become a Bankrupt, hath assigned, appointed, constituted, and ordained the said R. H. &c. her especiall Commissioners, giving full power and authoritie unto them, due & soure of them, whereof the said Sir R. H. to be one, according to the said Statute, not onely concerning the said Bankrupt his house, lands, freehold, and customarie goods, debts, and all other things whatsoever, but also concerning all other persons which by concealment claime, or otherwise doe or shall offend touching the premises, or any part thereof, contrarie to the intent and true meaning of the said Statute, to do and execute according to the said Statute, all and every thing and things whatsoever, as well towards and so; satisfaction and payment of the said creditors, as towards and so; all other intents and purposes, according to the order and promise of the said Statute in that case provided, as by the same commission moze plainely it both and may appeare: By force and vertue of which said Statute, and of the said Commission, the said Commissioners haue caused certayne goods, chattels, wares, and merchandizes of the said C. A. contained and mentioned in a Schedule indented to these presents annexed, to be searched, viewed, and appraised: And also haue sold and deliuered, and by these presents doe sell and deliuer unto the creditors aforesaid, all the said goods, Chattels, wares, and Merchandizes, contained and mentioned in the sayde Schedule indented, to these presents annexed. To haue and

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to hold the same and every part thereof to the said creditors before named, their executors, administrators, and assigns, to their own proper uses for ever to wards the satisfaction & payment of the said creditors, that is to say, to every of the aforesaid creditors a portion, rate and rate like, according to the quantity of the debts: In witness whereof, the said parties to these indentures interchangeably have set to their seals. Given the day and yeare first above written.

The indenture of the Schedule mentioned in the Indenture next before written, was annexed to the same Indenture.

Sect' 159.

In this Schedule indented is contained & mentioned certaine goods, wares, cattels, & merchandize late of C. A. merchantaylor, which be sold by the Indentures, wherunto this Schedule indented is annexed, It is to say, in his house in L. in the parish of C. in Londō. Imprimis &c.

But into the Chancery against one by a prisoner in the Fleet, to compel the Defendant to proceed in an agreement made betwixt the plaintiff & the defendant for his enlargement: by the order of the L. Chancellor then dead.

To the right reverend Father in God, Nicholas Archbishop of Yorke, and Lord Chancellor of England.

Sect' 160.

Most humbly complaying, sheweth unto your Grace, your daily & poore Datoz, W. P. of P. in the Countie of Chester Gentleman, now being prisoner in the Flēte at the suite of R. D. of the same Countie Esquire, committed therunto by the late reverend Father in God the Bishop of Ely being then Lord Chawncelloz of England, of, and upon a Statute of 200. P. which suite of the saide R. D. hath thus remained the space of eight or nine yeares, to the great miserie and utter undoing of your graces saide Datoz. And where divers agreements, with other divers meanes have bene taken and made betwene the said R. D. and your saide Datoz, and especially the last day of May, in the last yeare of our late Soueraigne Lord King Edward, before Doctor Lyell, and Master Dyer, appointed then by the said late Lord Chawncelloz, where it was agreed betwene the saide R. D. and your graces saide Datoz, that your saide Datoz should be bound in 1000. P. that he should not alienate nor sell any parcell of his landes now being in his possession, or to him in reversion: And all such landes that were sold by your saide Datoz, that your saide Datoz should enderuo; with all diligence to recover the same againe: And furthermoze it was agreed and ordered betwene the saide R. D. & your saide Datoz, that your saide Datoz should put in sureties

to

to pay vnto the said R.D. 50. l. of lawfull money of England, that is to say, 5. l. yearly during 10. yeares next ensuing: All which orders & agreements your Graces said Datoz is contented to accomplish and fulfill: Yet notwithstanding the said R.D. minding rather the continuance of your said graces order in prison to his vndoing, will neither obey the late H. Lord Chancelloz's order then made therein, nor yet the agreements heretofore made, but onely doth find delays to prolong & time, to the bitter vndoing of your Graces Datoz. In consideration wherof the premises tenderly considered, it may please your Grace to command the said R.D. to appeare before your Grace, & to take such order with him as shall seeme best to your grace. And your said Datoz shall pay for your grace long to continue.

A Bill into the Chancerie by the Husband and Wife, for and on the behalfe of diuers to compell executors to pay legacies, wherein is shewed, that they to whom the legacies be giuen, haue no remedy by the Ecclesiasticall law to compell the then executors to pay the said legacies.

To the right Honorable Sir Nicholas Bacon Knight, Lord
Keeper of the great Scale of England.

I, A most humble wife complaining, sheweth vnto your Honorz good Sect. 161.
Lordshippe your daily Datoz A. L. Esquire, and Katherine his wife, late wife vnto one R. B. deceased, and one of the daughters of William W. of B. in the Countie of Warwicke Esquire deceased, for, and in the behalfe of William C. sonne of the sayde Katherine, and for and in the behalfe of Mary L. and B. L. daughters of the said A. and Katherine, and of W. C. sonne of Edward C. Knight, of y body of Margaret C. one other of the daughters of the afozenamed W. W. lawfully begotten, Edward P. and Anne his wife, one of the daughters of the afozenamed Edward C. and Margaret, and Thomas P. and Elizabeth his wife, one other of the daughters of the sayd Sir C. and Margaret. That whereas the aforesaid William W. in his life time had issue seven daughters, that is to say, Margerie late wife of Tho. H. Esquire, & after that wife to the Ho. Sir A. C. Knight, one of the Quenes most honozable pvaie Conncell, and now Chancelloz of her Highnesse Duchie of Lancaster, Godith wife to B. F. Esquire, Elizabeth, late wife of Edward B. Esquire deceased, Mary, wife of William S. Esquire, Margaret, wife of the said Sir Edward C. Anne, wife of Frauncis P. Esquire, and Katherine, one of your sayde Datoz. And whereas also the sayd W. W. in his life time was possessed of and in diuers gods and chaffeis, household stuffe,
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plate, Jewels, and also entituled to certaine debtes amounting to the
value of 10000. £. & thereabouts, and so being thereof possessed and
entituled, did constitute and make his Testament and last Will, and
by the same did bequeath, give, and devise to divers and sundry per-
sons divers great legacies particularly and certainly set forth in the
said last Will, amounting in the whole to the summe & value of 3500.
£. & thereabouts: And the residue of all his goods, chattels, and debtes
due unto him after his funerall expences perfozmed, his debtes payde, &
all his legacies and bequests particularly contained and mentioned in
his said Will, fulfilled, perfozmed, and paid he the sayd Will. by his
said Testament and last Will did give and bequeath to the preferment
of all the children comming of his saide first eldest daughters, & to Will.
C. Mary W. and Katherine W. the & of the children of the said Katherine,
now wife of the said Anthonie W. youngest daughter of the sayde Will.
Will. to be equally divided amongst them by discretio of his executoz:
And by the same his Testament and last Will he did ordaine, nomi-
nate, and make the said honorable Sir A. C. Knight, Sir Edward C.
Knight, now deceased, Basil J. and Will. S. Esquires, and one Will.
B. Esquire deceased, his executoz, as by the same his Testament &
last Will more at large it doth and may appeare: And afterwarde,
in the moneth of May, in the second and third yeares of King Philip
and the late Quene Mary, he the sayd Will. Will. died possessed of the
said goods, chattels, and debtes, amounting to about the summe of va-
lue of 10000. £. After whose decease, the said executoz did take, admi-
nister, and agree to the said Testament, which speciall legacies afoze-
sayde either be or might have bene by the said executoz long sithence
fulfilled, satisfied, and paid, so as the residue should and ought to come
to the sayde children, according to the sayde Will. And although your
said exatoz have divers and sundry times required the said executoz
to make payment of so much of the residue of the saide goods, chattels,
and debtes, as to them appertained, yet that to do, they & euery of them
have hitherto refused and denied, contrary to right, equitie, & good con-
science. In consideration whereof, & for as much as your said exatoz
cannot certainly tell and declare the severall parcels of the said goods, chat-
tels, and debtes, nor what the said executoz have paid or received for a-
ny maner of debtes owing by or to the said Will. Will. by reason whereof,
they are unable to prosecute for their remedy in the premisses at & by the
order of the Ecclesiasticall lawes of this realm. May it therefore please
your good L. to grant the W. Waileties writ of Subpena, to be directed
to the said executoz, &c. commanding &c.

A Bill containing that a lease of a rectory, and the buildings, glebe lands, & tythes was made by the Deane and Chapter of a Colledge in Oxford, to the plaintife Father for tearme of yeares reserving a rent: And that the same by force of the said lease was long possessed. That the said lease came to the plaintife by means conveyance, and that continuing the tearme, the defendant suggesting to the said Deane and Chapter that the said Rectorie and tythes were occupied by the plaintife without lease or title, having a purpose to conceale and defraud the said Colledge of the said Rectorie and tythes, became a suitor to the now Deane and Chapter to have a lease of the said Rectorie and tythes for 21. yeares, and therupon obtained a lease thereof for 21. yeares, yeelding for it the accustomed rent, with an augmentation of rent corne. That the defendant having obtained a lease of the said rectorie & tythes for 21. yeares, sued the plaintife for the same in the Exchequer at West. in a Quo minus, & that he did interrupt the plaintifes possession: And then the plaintife prayeth an Injunction for stay of the said suit, & for the establishing of his possession & proces against the defendant and the Deane and Chapter to answer the Bill.

To the right Honourable Sir Ioh. Puckering Knight, Lord
Keeper of the great Scale of England.

Scit. 162.

I A most humble wise complaining, sheweth vnto your good Lordship
Your daily Orator W. B. of P. in the Countie of C. Esquire, That
whereas the Deane and Chapter of Christs Church in the Universitie
of Oxfoꝝ, were seised in their demesne, as of fee, in the right of their
said Church, of and in the Rectorie and Parsonage of R. with the ap-
purtenances in the sayd county of C. being a Parsonage impopziate,
and being so thereof seised by their dāde indented sealed with their
common Seale (the certaine date whereof to your sayd Orator is un-
knowne so; want of having the same) did so; the considerations in the
sayd Indenture specified, demise, graunt, and to farme let all the sayd
Rectorie and Parsonage of R. with the appurtenances, and all maner
of houses, barnes, glebe lands, tythes, fruits, profits, and advantages
whatsoever to the same Rectorie and Parsonage belonging or in any
wise appertaining vnto one R. B. late of P. in the sayde county of C.
Esquire deceased, father vnto your said Orator so; a number of yeeres
yet enduring, reserving thereby a great annuall rent (the tythes of the
vicarage of R. aforesaid, and the patronage and disposition thereof, and
all the woods & timber trees of þe said parsonage alwaies excepted & fore-
pylled out of þe said lease) which said estate, interest, & terme of yeeres of
him the said R. B. of & in þe said Rectorie, your Lo. said Orator by god

Sh m. iij.

and

and sufficient conveyance and assurance in the lawe now hath, by vertue of which saide lease, as well the said R. B. in his life time, as also your said Datoz since the death of the said R. have by the space of many yeres together bene lawfully possessed of the said Rectorie, & haue yerely from time to time since the making of the said lease, quietly and peaceably received, leuied, take, and enioyed in their seueral times all the issues, commodities, and profits thereof, to their owne proper vse & behoofes, without the disturbance, let, or interruption of any person or persons whatsoener, vntill now of late. So it is, if it may please your good Lordshippe, that one J. D. of D. in the said countie of C. Esquire, hauing by some casuall meanes gotten into his hands and custody the said Indenture of lease made to the said R. B. of the sayde Rectorie by the said Deane and Chapter, as aforesayd, and diuers other writings and meane conueyances concerning the same of right belonging to your said Datoz, became an earnest suitor vnto William J. Doctor of Diuinitie, Deane of Christs Church in D. alsofayde, R. B. & C. being the Chapter of the same Church, to procure a lease vnto him the said J. D. from the sayde Deane and Chapter of the tythes of the seuerall Townships, Hamlets, and places of D. P. &c. which said Townships, Hamlets, and places are situate, lying, and being within the limits and precincts of the said Rectorie formerly demised to the said R. B. as aforesaid, the said J. D. vntrely suggesting vnto the sayde Deane and Chapter, that the tythes of those seuerall Townshippes were concealed from the sayde Deane and Chapter. And that they had no rent or reuenue at all to them therfore answered or payde by your said Datoz, nor by any other person or persons, vnto which said suit and accomplishment thereof, the sayde Deane and Chapter, as your Datoz hath bin credibly enioyned, would not of long time consent, vpon suspicion by them conceiued, that the said J. D. had some purpose or intent to procure from them a lease of some such Hamlets and Townshippes as were formerly demised to the said R. B. by the generall name of the Rectorie of R. wherein the said seuerall townshippes were included, whereby the said J. D. might impeach and call in question the validitie of the said lease made to the said R. B. And thereupon the said Deane and Chapter did affirme and declare to the sayde J. D. that they would not demise or graunt vnto him the sayde J. D. any thing that was comprised in the said lease made to the said R. B. mentioned or intended to bee demised vnto him the sayde R. B. in or by the same, vnto whom the saide J. D. made answer, that the sayde tythes of the saide seuerall Townshippes and Hamlets before mentioned, were not at all demised by the saide Deane and Chapter to the said R. B. & that his purpose was not to challenge any thing by demise from

from them which was formerly letten to the said R. B. but onely such things that were concealed from the sayde Deane and Chapter, for which he would yearly answer and pay unto the sayde Deane and Chapter the old accustomed rent, with an augmentation of a yearly revenue of coyne, according to the forme of the Statute in such cases provided. Whereupon the said Deane and Chapter giving credit to the said J. D. and willing to recontinue such things as the sayde J. D. affirmed to be wrongfully concealed and detained from them, and thereby to increase their yearly revenue, and having withal a great respect not to prejudice your said Writors by any lease they should make to the said J. D. nor to lease any thing demised to the said R. B. did at the importunate suite of the sayde D. in July, in the xxxij. yeare of the reigne of our gracious Sovereigne Lady the Quenes Maiesty that now is by their Indenture sealed with their common seale, demise, and to farms let to the sayde J. D. all their tithes, of what nature, kind, or quality soever of the sayd severall townships and hamlets before mentioned, the same being within the sayd precinct of the saide rectorie of R. as also release from the feast of Saint John the Baptist last past before the date of the sayde Indenture unto the end and terme of 21. yeares. The said Deane and Chapter then verely supposing that none of the tithes of the said townships were included or comprised in the saide lease of the said rectorie of R. made to the sayde R. B. but that the same were other things exempted out of the said lease, and concealed and wrongfully detained from the said Deane and Chapter, and not within the limits and bounds of the sayde rectorie. By colour of which said lease procured by the sayd J. D. by such practise and meanes as aforesayd, and by having in his handes the sayd Indenture of lease made to the sayd R. B. of right belonging to your said Writors the said J. D. hath of late not onely many wayes interrupted your saide Writors possession of and in the tithes of the said townships & hamlets, but hath also thereupon attempted suite in her Maiesties Court of Exchequer at Westminster by writ of Quo minus against your saide Writors for the taking and carrying away of divers parcels of the sayde tithes growing and renewing within the said severall townships and hamlets. And albeit your saide Writors hath divers and sundry times in gentle manner required the said J. D. not onely to deliver unto your said Writors the said Indenture of lease so made to the sayde R. B. together with the said other writings and meane conuergances of right belonging to your sayde Writors, but also quietly to permit & suffer your saide Writors to have and enjoy the premises according to right, equity, and conscience: Yet that to doe the said J. D. hath alwaies denied and refused, and yet both denie and refuse, challenging the same by vertue of the
said

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said supposed lease made to him by the sayd Deane and Chapter contrary to all equity and good conscience. In tender consideration whereof, and sozasmuch as your said W^{or}ship knoweth not the certaine date and contents of the said lease made to the said R. B. and of the meane conveyances aforesaid, nor wherein the same be contained, whereby your said W^{or}ship is remediless for the recour of the same by the order of the common law. Neither is he able to plead the said lease in certainty at the common law, whereby he shall iustifie his right and title to the said tithes by him lawfully taken as aforesaid. And soz that the sayde Deane and Chapter were so abused by the insinuations & untrue pretences of the said J. D. & had no purpose at all to impeach the said lease made to the said R. B. nor your said W^{or}ship his title to the said tithes & other the premises claimed by vertue of the same, nor yet to demise or grant any thing to the said J. D. & was compelled, or intended to be demised in and by the sayd Indenture of lease made to the sayd R. B. & pay it therfore please your good Lordship, the premises tenderly considered, to grant unto your said W^{or}ship her Maiesties most gracious writ of Subpena to be directed to the said William J. Deane of Christ church aforesaid, and to the said R. B. & to the said J. D. who is usually resident within the city of London, commanding them and every of them thereby vnder a paine therein to bee limited, to appeare before your Lordshippe in her Maiesties high Court of Chaucerrie, immediately then and there to answer the premises: and also to grant unto your said W^{or}ship her Maiesties most gracions writ of Injunction for the stablishing of your said W^{or}ships possession, of and in the said Rectorie, and other the premises, and soz the stay of all actions commenced, or to bee commenced against your said W^{or}ship at the common lawe vpon or by colour or pretence of the sayd lease so vnduly procured by the said J. D. from the said Deane and Chapter, and further to stand to and abide such order herein, as to your Lordship shall seeme to stand with Justice and equity. And your said W^{or}ship shall daily pray for your Lordshippe in all honour and happines long to continue,

T. E.

E. C.

R. C.

The Answer of I.D. Esquier one of the defendants, to the vnttrue Bill of complaint of T.B. Esquier complainant.

Seet. 163.

THe said defendant saith, that the said Bil of complaint is very vntrue, vncertaine, and insufficient in the Lawe to be answered vnto, not containing any sufficient matter or iust cause of suit against this defendant, but only devised and contrived by the complainant, to put him as it seemeth to wrongful veration, costs, charges, and expences in the law without any iust cause of suite, whereof this defendant both demand iudgement of this ho. court, & praierth to be dismissed out of the same. Peruerthelesse, if this def. shall be compelled to make any farther answer to the said bill of complaint, saith, that he vnderstanding the said lease for yeares mentioned in the saide bill of complaint made to the said R. B. father of the said complainant, to be a mere void lease, & of no force & validitie in law, so; y the same lease was not demised by the Deane & Chapter, but by the Deane, with the assent & consent of y Chapter, procured diuers letters of sundry honorable persons to the said Deane & Chapter of Christ church of Oxeford named in the said bill of complaint in this defendants behalfe and fauour for the obtaining of a lease for yeares of y said Deane & Chapter, the which sayde Deane and Chapter at the request & contempt of those letters by their Indenture vnder their Chapter Seale, did amongst other things demise and to farme let vnto this def. all that their tithe cozne and grain, comynge renowing and yerely growling in the Towneships or totns and fields mentioned in the said bill of complaint for the terme of xxi. yeares, by vertue of which demise to him made, this defendant taketh himselte lawfully interested and intituled in and to the sayd tithes demised vnto him, and because this defendant meant to proceed in a plain bpight, and lawfull course in Lawe against the said complainant for the triall of the validitie of his said pretended lease, brought his Action in the court of Exchequer by way of Quo minus against the said complainant and others, and as it seemeth now to this defendant the sayde complainant perceiuing the weaknesse & inualidity of his own title bypon sained and vnttrue surmises hath exhibited the saide bill of compl into this ho. Court, to here & trouble this def. & the other defendants named in the said bill of compl, to maintaine and continue his wrongful possession by a void lease, & of no validitie in lawe, as to your L. for the cause aforesaid may appeare, which said lease the said complainant to y great preiudice and hindzance of y said Colledge & Students thereof, labourerth & seeketh to enjoy, being void in Lawe, and which lease if it were a good lease should endure and continue for many moe yeares.

then

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then the lease made to this defendant, and would bee lesse in yearly rent and benefit to the saide Colledge then this defendants lease will bee, respect being had to the things demised: And therefore as this defendant thinketh the saide complainant is not to bee relieved by any equity, or maintained in possession upon a mere void lease in law, since that by colour of the said void lease the said complainant and his father have received so great a profit for many yeares past: without that, that the defendant hath by any casuall meanes gotten into his handes and custodie the said indenture of lease made to the said R. B. of the saide rectory by the said Deane and Chapter, and divers other writings and meane conueiances concerning the same of right belonging to the said complainant, as most vntreuly by the saide Bill of complaint is alleged, so that he saith, that he neuer had the said supposed lease, nor any meane conueiance thereof, or that the said Deane and Chapter ever at any time made any such lease to the said R. B. father of the saide complainant as the said complainant surmisseth, but such a lease as in this defendants answer is before alleged, or that the defendant vntreuly suggesting vnto the sayd Deane and Chapter the other defendants in the said bill of complaint that the tithes in the sayde severall townships mentioned in the sayd Bill of complaint were concealed from the sayd Deane and Chapter, and that they had no rent or revenues at all to them therefore answered or paid by the said complainant, nor by any other person or persons, as most vntreuly is alleged and surmised by the said bill of complaint, or that the said Deane and Chapter did affirme and declare to this defendant, that they would not demise or graunt vnto him this benef. any thing that was comprised in the said lease made to the said R. B. or that was mentioned or intended to bee demised to him the said R. in or by the same lease. Or that upon any such affirmation this defendant made answer, that the tithes of the said severall townships mentioned in the said bill of complaint, were not demised by the said Deane & Chapter to the saide R. B. And without that y^e this defendat alleged that his purpose was not to challenge any thing by demise from them, which was formerly letten to the said R. B. but only such things as were concealed from the said Deane and Chapter as most vntreuly is alleged by the sayde bill of complaint, but he saith that he affirmed if he might have a lease made to him he would yeld an increase of rent of coine according to the forme of the Statutes in such cases provided. And further this defendant saith, as before he hath saide, that bee being informed that the lease made to the sayde R. B. to bee a void lease, became an earnest suit: by the meanes aforesaide for a lease of the same things that were pretended to bee demised to the sayde R. B. and enjoyned the sayde Deane and Chapter,

Chapter, that they might and that they had power in them to demise the same. And this def. further saith, that there was included in the said supposed lease made to the said R. B. all the things that bee demised to this defendant, and if this defendant should not have meant to have had in lease from the Deane and Chapter the things supposed to be demised to the saide R. B. and to enjoy the same, then should hee have had by his lease no benefit, and should vainly have procured such honozable friendship: And therefore he saith, that the same allegation suggested in the said Bill of complt, that this def. meant not, or that his purpose was not to challenge any thing by demise from the said Deane, and Chapter, that was in shew formerly demised to the saide R. B. is most untruefully alleged against all probabilitie of reason; when as he well did know, and the Deane and Chapter also might understand that the whole rectorie except the vicarage was in shew demised, and the tithes of the sayd townships included in the saide supposed demise, and therefore saith, that the saide Deane and Chapter at the contemplation & request of the said letters made a lease of the said tithes to this def. and so manifest their good intention and meaning towards this def. so: the enjoying thereof, the sayde Deane and Chapter gave this defendant a Transcript of the Counterpane of the sayde supposed lease under their Chapter seale, & besides this def. had a rental delineated in writing to him, expreſſing or containing the rents of the townships mentioned in the saide bill of Complaint. And this defendant saith, that his meaning was ever to have and enjoy the benefit of the saide demise, and of the things therein contained, and so he taketh it, the saide Deane and Chapter so meant and understood the same, being persons of so great learning, iudgement and discretion, that they would not grant the same things, and meane contrary to their owne demise: And without that, the said Deane and Chapter then verely supposing that none of the tithes of the sayd townships were included or comprised in the said lease of the said Rectorie of R. made to the said R. B. but the same were other things excepted out of the said lease, and concealed, & wrongfully detained from the said Deane and Chapter, and not within the bounds and limits of the said Rectorie, as most untruefully and vainely it is alleged by the said bill of complaint, without either reason, or probabilitie of reason, or if the same demise made to this defendant was made upon any such fained and untrue allegation: For he saith, that such an oversight may not be without any reason imputed to the said Deane and Chapter, being men of learning and iudgement, that they should suppose none of the tithes of the sayde townships were included in the said lease of the Rectorie of R. made to the said R. B. but other things excepted & concealed, & not within the

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the limits and bounds of the said rectorie, when as to the said Deane & Chapter by the said rental may appeare, that the towne mentioned in the sayde bill are parcell of the rectorie of K. and the tithes in the same towne demised to this def. And the said defendant further saith, that he hath not had or ever had in his handes the sayde Indenture of lease made to the saide K. B. nor by colour of hauing thereof hath attempted any suite, but began his suite by reason of his own lease made to him, which he taketh is lawfull for him to doe. And without that, that there is any other matter or thing touching this defendant materiall, or essentiall to be answered vnto, and not herin confessed & auoided, trauesed or denied, is true: All which matters this def. is ready to auerre & pprove as this he. Court shal award; & praieth to be dismissed out of this he. Court, with allowance of his costs & charges &c.

W. D.

The ioynt and severall answers of W. I. Docteur of Divinitie, Deane of the Cathedral Church of Christ in Oxford, of King Henry the 8. foundation, R. P. A. W. T. T. & c. Prebendaries of the Cathedral Church, defendants to the Bill of complaint of T. B. Esquire complainant.

Seet. 164.

The said defendants all aduantages of exception to the incertainty and insufficiency of the said bill of complaint being to the these def. now, and at all times hereafter saved for direct answer thereunto so farforth as concerneth the knowledge of them these defendants materiall for them to answer vnto say as followeth, that is to say, that heretofore J. D. in the said bil of complaint named was an earnest sui for to the said defendant W. J. & to the Chapter of the said Cathedral Church for the obtaining & getting of a lease of al their the said Deane and Chapters tithe barne in P. in the countie of C. & of all their tithes coyne, and graine, comming, renting, and yearely growing in the towne and fields of P. alsozefaid P. &c. in the saide countie of Chester, and of the tithe coyne, grasse, pigge and gosse of L. in the sayde countie of Chester, and of the tithe haie and grasse of P. S. and B. alsozefaid. And for the better obtaining of his said suite, he the saide J. D. obtained & procured severall letters from diners great and honorable persons of this Realme directed to the said Deane and Chapter of the said Cathedral Church wherby the said Deane and Chapter were earnestly moued to grant & yield to the said request of the sayd J. D. At & which time the said J. D. did affirme and say to these defendants or to & greater part of them that in the premises so by him the said J. D. required to be to him demised, there was then no lawfull estate continuing, but usurped by such occupiers as had no right vnto them, & who bought & sold not to sake vnto the church for them, nor to offer any good offers to them,

them, and that contrariwise himselfe would reduce those things to a more profitable revenue to their church, or else other words & speeches to the like effect, by reason whereof, these defendants or the greater part of them the better to satisfie their duties toward the said hon. persons in a suit so reasonable, and tending to the benefit of their church, did by Indenture vnder their Chapter seale bearing date the xxiij. of December, in the 35. yeare of the reign of our Soueraign Lady the Quene's Maiesty that now is, demise, grant, and to farme let the said tithes barne and other the premises to the said J. D. to have & to hold to him his executozs, administrators, and assigns, from the feast of Saint Eho. the Apostle last past befoze the date of the said Indenture vnto the end and terme of 21. yeares, thence next following fully to be complet and ended, as they thinke they might lawfully doe, they then not knowing any lawfull lease to be in being of the premises, and yet to the end and intent that no person having any lawfull interest in the premises, or in any part thereof for term of 3. yerres or more (if any such were) might be by the said demise or grant of these def. prejudiced or bindzed, the said J. D. by his sufficient deed in writing as the defendants take it for the better security, safety and quietnes of their lawfull tenants, whom they meant not should be impeached, to covenant with these def. that the said demise, nor any covenant, graunt or article in the said Indenture of demise contained, should in any wise extend to bind or charge any of them the said Deane and Chapters tenants, holding or claiming by good and lawfull graunt any lawfull estate for the term of 3. yeares at the least or more then to continue, any matter or thing in the saide Indenture of demise mentioned to the contrary notwithstanding, whereby it both and may appeare to this hon. Court, the these defendants have not done any thing concerning the said demise of the premises to the saide J. D. then as they think they and every of them might lawfully doe, making such provision as aforesaide, that no tenants which held by any lawfull interest should be impeached by this their lease, without that, that to the knowledge of these defendants or of any of them, the Deane and Chapter of Christs Church in the Universitie of Oxford, predecessors of these def. did lawfully demise, grant, and to farme let the rectorie or parsonage of K. in the said bill of complaint mentioned, with the appurtenances to K. B. in the saide bill of complaint named, in manner and forme as in and by the said bill of complaint is surmised. And without that, that to the knowledge of these defendants or of any of them, the tithes demised by these defendants to the said J. D. as is aforesaid, were lawfully demised by the Deane and Chapter of the saide Cathed. all Church, predecessors of these defendants to the saide K. B. in manner and forme as is in and by

by the saide bill of complaint surmised : And without that that any o-
ther matter, clause, or sentence in the said bill of complaint comprised,
being material in the opinion of them to be by these def. answered un-
to, and not herein sufficiently confessed & avoided or traversed & denied
is true. All which matters they these def. and every of them are ready
to auerre & pprove as this hon. Court shall award, & pray to be dismissed
out of the same, with their costs by them sustained.

*The Replication of T. B. Esquire complainant to the Answer,
of L. D. Esquire one of the defendants.*

ScA. 165.

The sayde complainant by protestation not confessing or acknow-
ledging any matter or thing materiall or effectuall in the sayde
Answer alledged to be true in such sort, manner, and forme, as y^e same
are thereby expessed and set forth, and by protestation also that the
said answer is uncertaine, and insufficient in the law to be replied un-
to, for divers great and apparant faults therein manifestly appearing
the benefit and advantage whereof at all times hereafter to the com-
plainant saved and reserved, the said complainant for replication re-
plieth and saith in all things as befoze in his sayde bill of complaint he
hath said. And further saith, that all and every the matters in the sayd
bill of complaint contained are and be good, iust, true, certaine, and suf-
ficient in the Law to be answered unto in such sort, manner, & forme
as they and every of them in and by the saide bill of complaint by him
beene most iustly, plainly, and truly alledged and set forth, and the
same he is ready to auerre and pprove, as it shall please this hon. Court
to award. And the said complainant further replieth and saith, that
the said Weane and Chapter the other defendants, named in the sayde
bill of complaint, had no meaning or intention to demise unto the said
J. D. any thing that was by them or their pdecessors formerly de-
mised to this complainants father, and in this complainants posses-
sion by vertue of the saide lease, and to give full satisfaction thereof to
this hon. Court. This compl further saith, that the said J. requiring
of the saide Weane and Chapter to have a lease of the townehippe of
K. together with the said other townehips in the said bill of complaint
mentioned by him, procured a lease from the said Weane and Chapter
by such practize and suggestions as in the said bill of complaint is al-
ged, the said Weane and Chapter then made answer to the said J. D.
that this complainant was the Farmer of K. and held the same by
lease from the sayd Weane and Chapter : And that they would not in
any wise demise any thing to the said Daniell that was comprised in
the sayde lease made to the complainants father. To which answer the

the saide J. D. replied and sayde, that he could doe well enough with that lease, if the sayde Deane and Chapter would be pleased to demise the sayde Towneshippes of K. with the rest of the sayd Towneshippes to him the sayde J. D. whereunto the sayd Deane and Chapter then answered to this, or the like effect, by, that they would not go about to impeach the said Lease made to the sayde complainants Father: and that it was not fitting for men of their coate and qualittie, to stand vpon quirkles and quilletts in Lawes. By which wordes it euidently appeares, that the sayde Deane and Chapter were circumvented and misled by the vnttrue informations of the said J. D. to them made in manner and forme, as in the sayde Bill of complaint is alleaged and set forth: and that they knew not at the time of the making of the sayde J. D. Lease, that the sayde Towneshippes thereby letten were formerly demised to the sayde complainants father in and by the generall wordes of the Rectorie of K. which did include the sayde Towneshippes, so as if there be any such defect in the sayd Lease made to the sayde complainants father, as the sayde J. D. pretendeth by his sayde answer, as this complainant hopeth there is not, yet soz as much as this complainants father and this complainant haue ener since the making of the sayde Lease, which was many yeares since, quietly enioyed the same, and by all the sayde time payed the rent to the sayde Deane and Chapter referred thereupon: And that the sayde J. D. procured his sayde Lease, by such sleights and subtilties, as is aforesayde. And that the sayd Deane meant not to demise any thing to the sayd J. D. that was formerly demised to the sayde complainants father, noz to impeach the sayde Lease made to the sayde complainants father vpon any defect whatsoeuer. Wherefoze this complainant hopeth this Honourable Court will compell the sayde J. D. to bring in the said Lease so procured as aforesayde, into this Honourable Court to be cancelled, or otherwise disposed of, as to the same shall be thought mete: and will order that this complainant shall haue and enioy the benefit of the said Lease made to this complainants father, as aforesaid, notwithstanding any such defect therein as is pretended by the saide J. D. And whereas the sayde defendant alleageth in his sayde Answer, that the sayd Deane and Chapter, to manifest their good intention and meaning towards the sayde defendant, and to the intent he might enioy such things as they had to him demised, did deliver vnto him a copie or transcript of the sayde Lease made to this complainants father; and a rentall of the sayde severall Towneshippes in the sayd Bill of complaint mentioned. To that Allegation this repliant sayth, that the purpose of the sayde Deane and Chapter in

the delivring of the said ecopie or transcript was, that the sayde J. W. might thereby know what was demised or intended to be demised to the saide complainants father. And to the end that hee the sayde J. W. might not meddle with any thing comprised in the said Lease, and to no other intent or purpose, without that, that the saide Deane and Chapter did know by the saide Kentall, that the towne mentioned in the saide bill demised to the saide J. W. were parcell of the saide Rectorie of K. and were formerly demised to the said complainants father, and without that, that any other matter or thing in the sayd answer alleaged material or effectuall for this complainant to replie unto, and herein not sufficiently confessed, and avoided, denied, or trauced to true: All which matters this complainant is ready to averre and prove, as it shall please this honorable Court to award: And prayeth as befoze in his said bill of complaint he hath prayed.

R. C.

The Replication of T. B. Esquire complainant, to the joint and severall answers of W. I. Doctor of Divinitie, Deane of the Cathedrall Church of Christ in Oxford of K. Henry the eighths foundation, R. P. A. W. T. T. & c. Prebendaries of the said Cathedrall Church defendants.

Sec. 166.

The said complainant, all advantage of exception to the uncertainty and insufficiencie of the saide answer beeing to him this complainant now and at all times hereafter saved, for Replication thereunto, so farre forth as both concerns the sayde defendants, and the matter in the sayde answer conteyned and set downe, replieth and sayth as followeth, that is to say, that this complainant doth and will averre and prove, that the Deane and Chapter of Christs Church aforesaide in the Universtie of Oxfozd, did demise the sayd Rectorie and parsonage of K. whereof the premises now in question are, and so time out of minde of man have bene parcell unto the said K. W. by their deed indented vnder their common or chapter Seale for divers yeares yet enduring, in manner and soyme, as this Repliant, in and by his said Bill of complaint, hath the same alleaged and set forth, and did thereupon reserve a great annual rent which did continue due and payable unto the saide Deane and Chapter of Christs Church, the sayde defendants, and is and so hath been by this Repliant continually paid from feast to feast, as the same feasts on which the said rent is reserved and appointed by the sayde Lease to be paid, have yearly happened even untill this time, ever since this Repliant was interested in the sayde Lease: And that

the estate, interest, and title of the said H. B. for the yeares yet end-
 uring of and in the sayde Lease and premises, is lawfully come
 to this Repliant. And further replieth and saith, that the premises
 in the sayde answers mentioned, required by the sayde J. D. to be
 to him by the sayde Deane and Chapter demised, were not usurped
 or concealed from the sayde Deane and Chapter, but continually &
 thence their foundations in charge and revenue, and so at this time
 are to the sayde Deane and Chapter, and a rent vnto them by this
 Repliant answered for the same, without any intention of this Re-
 pliant to conceale the same from the sayde Deane and Chapter, or any
 their right vnto the same, or vnto any other their possessions. And
 contrariwise, this complaiant is and alledge, how he troubleth
 further them in their right and possessions, to the hurt of his inward
 honour. And this Repliant mozeouer replieth and saith, without
 that, that the sayde J. D. his information to the sayd Deane and
 Chapter, or to the greater part of them, was grounded vpon any
 matter of truth, but vpon a malicious conuetous affection and greedy
 desire which he hath and carrieth to his and searcheth his right
 houses estates and interests in their possessions, not converting such
 possessions as he hath of his owne to any so good vse, or good of his
 countrey, as that he should deserve to haue them augmented with
 his neighbors: without that, that it is true which the sayd J. D. did
 affirme, that the premises by him required to be granted in Lease
 by the said Deane and Chapter vnto him, were usurped by saith J.
 had no right, and would not vouchsafe to sake vnto the said Church
 for them, or offer any god offers vnto them as the sayde J. D. for
 to serue his owne turne vntreuly suggesteth, for this repliant saith,
 that his meaning was and is to sake vnto the Church for them at
 such time as in Lawe, reason, and conscience it shall be thought meet
 reasonable, or requisite for him so to doe: And hath and will offer
 vnto them all god offers mete and appertaining for him. In regard
 of all which, and in respect the said J. D. obtained the said Lease at the
 said Deane and Chapter their hands vpon vntreue suggestions and
 informations which this Repliant well hopeth they will at all times
 aswell in their reuinders as otherwise at large declare and acknow-
 ledge, and in deceit and abuse of the sayd Deane and Chapter, who
 would not in their grane wisdomes and god considerations haue
 sought by any quikes and quilets in Lawe in nicities of penning
 the formalities of wordes, to haue ripped and rised into a long settle
 continuing possession of their ancient Parson, but would graces-
 ly, discreetly, and aduisedly haue given saith, credits, and allow-
 ance of the things of their predecessors, as they most reasonably and

accordingly. And so further reioinder thereunto this defendant saith, that since the making of the said lease to him in the sayd bill of complaint mentioned, he this defendat brought letters to the Deane and Chapter from one of her Maiesties most honozable priuie Counsell, to entreat the said Deane & Chapter not onely to renewe the saide lease mentioned in the said bill of complaint, and made to the said defendant but also most heartly desiring them by the same letters to grant vnto this defendant other tithes parcell of the same possessions formerly demised to the said defendant, at which time the said Deane & Chapter renewed the said lease, & also granted the said defendant certaine other tithes parcell of the same possessions, according to the said letters, and also at the same time the said Deane and Chapter promised vnto & said def. a lease of the rest of the saide parsonage, so that as the sayde defendant taketh it, the said complainant greatly abuseth this Honourable court with most vaine & vnttrue surmises both in his saide bil and replication. And if this Honourable court vpon these surmises or such like should grow to the vpholding of leases made from corporations which are void in law, a thing which heretofore hath not bene granted vnto others in such like cases, it would reuiue or at least might bee a president to reuiue many questions about such leases which by the common lawes of this Realme long time haue bene determined, wherunto this defendant most humbly prayes to be remitted. And whereas also the said complainant alleadged, that the purpose of the Deane and Chapter in deliuering of the said Transcript to the said defendat was, that he might thereby know what was demised or intended to be demised to the said complainants father, and to that end that the said complainant might not meddle with any thing comprised in the sayd lease made to the complainants father, to which allegation this defendant so reioinder saith, that he toke it to the end that hee might consider of the validitie or invaliditie of the said lease, vpon the viswe whereof, being ascertained by his learned Counsell, that the said lease was void in Lawe, hee was the rather encouraged to bestow his charge vpon it. And this defendant saith, that he had a copie of the said lease vnder the hand writing of a Gentleman of good calling before the deliuey of & said transcript to this defend, by which copie the imperfections of the said lease did appeare to this defendant, and also the particuler names of the tithes of some towne were mentioned in the said copie to be demised to the saide complainants father, the cythes of which Townes were afterwards demised to the sayde defendant by the sayd Deane and Chapter, whereby it may plainely appeare, that the Deane and Chapter meant that the same lease made to the sayd complainants father, if the same were not good in Law, might be impea-

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shed, sozasmuch as they graunted to the saide defendant the tythes of
 such Toloues as were mentioned to bee demised by the saide Lease to
 the complainants father, so that the Deane and Chapter were not mis-
 led noz circumvented by the said defendant, noz that the said defendāt
 obtained his lease by sleights & subtilties, noz the saide Deane & Chap-
 ter misadvised in that they did, as in y^e said replication is most vntually
 alleaged: but this defendant verily thinketh that this compt goeth a-
 bout not only to defraud the said def. of his action, & to hinder the sayd
 Deane and Chapter in taking the benefit of the said tythes, but also it
 appeareth most manifestly, that the plaintife practiseth to trice the said
 defendant in a triall by a Jury by vnttrue witnessses in concealing the
 true Lease made to the plaintifs father: soz the plaintif entituleth him-
 selfe vntuely to the parsonage afozesaide by a Lease made by the saide
 Deane and Chapter to the plaintifs father, as by an ozer take in this
 Court the first of Nouember last past appeareth, and also by his plea in
 the erchequer it appeareth that the plaintif pleaded a lease made by the
 said Deane and Chapter to the plaintifes father of the said parsonage,
 & pfofered by his plea in that court to shew forth his saide lease in Ca-
 ster terme last past. And after all these dilatozie delais the said cōplai-
 nant pleaded not guilty in the Erchequer afozesaide, and neuer shewed
 any such lease, but exhibited his bill of complaint into this y^e. Court,
 surmising the said lease to be come to the hands of the defendāt, where
 in troth there is not noz euer was any such lease made to the sayde
 plaintife, soz to R. B. the plaintifes father, but such a lease as in the de-
 fendants answer is declared, which lease being voide, and of no vali-
 dity in law, is the cause of the plaintifes suit in this y^e. Court, and also
 the cause of his long delay in the Erchequer afozesaide: soz if the plain-
 tifes father had euer any such lease as the plaintife pzetendeth, he nee-
 deth not to vse such vaine and vnttrue surmises in this court against the
 said def. in his bill and replication, noz craue an Iniunctiō in this court
 to stay the def. proceedings at the common law, noz make secret conuei-
 ances to severall persons of the tythes in question, noz cause the saide
 tythes to be gathered and carried away by strange and unknowne p-
 sons, noz pzoress & anow, that the def. noz any other soz him, shall euer
 quietly enioy the tythes in question, though hee recovered them by all
 the laws in England, noz thzeaten this def. and his seruants to wound
 o3 kill them befoze the defendant should enioy any part of y^e said tythes,
 so that the said defendant shall hardly maintaine any action against y^e
 true owner o3 taker of y^e said tythes soz the causes afozesaide, noz quiet-
 ly enioy the same, being recovered by o3der of law, considering that the
 plaintife is a Gentleman of great worship, friends, and calling in that
 country where the said Tythes doe arise and grow, wherfoze & soz that
 the

the plaintifes lease is a mere void lease for the causes in the answer alleged, and the defendants lease a good lease, and more beneficial for the poore Schollers of Christs Church then the plaintifes lease, and no reason in law or equitie, if there bee no lawfull lease in being thereof, why the same should not be granted unto the defendant. For al which causes this defendant humbly craveth, that y^e plaintiff may shew forth unto this Court vnder the Chapter Seale, such a lease, as by his sayd bill and order in this court he pretendeth: And if the plaintife faile therein, then vpon the now defendants shewing to this court a transcript of the counterpane of a lease for yeares vnder the seale of the Deane and Chapter. Whereby it may appeare to this Honorable court, that the Deane and Chapter did not demise the said parsonage to the plaintifes father as hee affirmeth, but that the Deane with the full assent and consent of the whole Chapter did demise the same to the plaintifes father in the time of King Edward the 6. which is no lease of any force in law, neither is there any equity to make it better, but being obtained at the first for small or no consideration, and long enjoyed since, & now demised to the defendant for chargeable, great, and inst consideration, y^e then vpon sight thereof it would please this H^{on}. Court to order that the sayd tithes may be sequestred into the hands of indifferent persons to receive and keepe them until further order shall be taken in this court: And that in the meane time a commission may be granted out of this court to examine the true value of the said tithes these thre yeres past, to the end further order may be taken in this court for the having thereof, and quiet enjoying of the saide tithes to him that shall recover the same, or damages for any part thereof by actiō of Trespas, or otherwise: And that your Lordshipp would also be pleased to take order for reformation in the premises, for that now in this time of contention many tithes are subtracted & not set forth at all. And without that, y^e any other matter or thing &c. All which matters &c.

The remainder of W. I. Doctor of Divinitie, Deane of the Cathedrall Church of Christ in Oxford of K. Henry the 8. foundation, R. P. A. W. T. T. is the replication of T. B. Esquire complainant.

The advantage of exception in and to the incertaintie and insufficiency of the said replication to these defendants and every of them at all times hereafter saued, the said defendants and every of them for rejoynder in all things say as they besore in their sayd answers have sayd, and doe, and will averre maintaine and prove their said answer and everie thing therein conteyned to be inst and true in manner

R. n. liij,

and

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and sojme as they be there declared and set forth, and that the sayde Deane and Chapter doe not knowe of any such lawfull demise made to the sayde W.B. as in the sayde Bill and Replikation is set forth, and that if any such lawfull demise or graunt hath bene made, they haue made such prouision, as in their answer is declared, that no tenants which hold by any lawfull interest, should bee impeached by their lease made to the sayde J.D. whereof these defendants had speciall care, and therefore the complainant, if it stand so with him that hee haue a lawfull lease, can receiue no pzeiudice by any thing done by these defendants. And so; further reioinder these defendants say, that vpon the suite of the sayde J.D. greatly pressed by sundry honourable personages in his behalfe & aduertisement, that no lawfull estate was in being of the premises, no; such profits answered to the church therefore as appertained with offer on the behalfe of the sayde J.D. to perfojme many things profitable to their Church, and the defendants not hearing any suite or motion made therefore by the sayd W.B. and esteeming the premises to be out of any lawfull lease and so enioyned (which if it proue not true, their graunt is not auailable) condiscended to the suite, and entreaty made on the behalfe of the sayde J.D. as in lawe, conscience, equity, and good husbandrie towards their church, which by all god, due, and conscionable meanes they are bound to aduance, they were perswaded it was fit for them to do: And the rather, so; that the complainant did not make any meanes, no; seke vnto the for it, who if he haue any lawfull lease of the things demised to the said J.D. from their Church, then cannot the graunt made to the sayde J.B. bee of any force or auaille, and if hee haue not a lawfull lease, then cannot the plaintife defend himselfe of ouer great slacknesse, to hold it so long without a lawfull lease, and in all that time not to discover the same to their church, intending by likelihood either so to haue retained it still, or distrusting of their well meaning towards him, as to other their tenants whom their manner is not to dispossesse or otherwise to intreat them then their demeanors doe occasion. And if the things demised be in charge or answered in reuennue to the Colledge, as p plain- tife doth alledge, whether it be particularly for those things demised to the sayd J.D. or consulebly included with other things, or held as an estate at will, these defendants are not ascertained, and if the plaintif did hold them without any lawfull estate made vnto him, or lawfull estate continuing, it had been met that the def. or their pdecessors had bene made acquainted of this maner of holding of them, and that the possessions and reuennues should not bee carried away vnderhand, or enioied by colour of a lease, when there was no lawfull lease to warrant it: And had the complainant then bin so ready to further p defendants

bants in their right and possession to the best of his endeavour as now he pretendeth to be, this question had not happened, but now standing as it doth, if the information of the said J.D. made to the saide Deane and Chapter be not grounded upon any matter of truth, the said complainant shall receive no impeachment by it, these defendants intending to hold the said J.D. to his covenant, that by colour of his grant he shal not cal in question any tenant of theirs which hold by any lawful interest. And if it bee grounded upon matter of truth, these defendants hope that this honorable court will not give further allowance to the complainants pretended lease then the validitie thereof requireth: Humbly praying further that if upon this interpleading betwixt the said M.B. and the said J.D. it shall appeare that the said M.B. holdeth that which he should not hold, or the said J.D. upon any undue surmise or suggestion to haue obtained any thing not fit or not meant to be passed to him, which these defendants carrying themselves in a plain and even course, haue not so farre looked into, neither doe or can charge him so to haue dealt: That these defendants might not bee prejudiced against either of them, but left at libertie to doe that for the iust and reasonable benefit and auaille of their Church, which in Lawe, iustice, and equitie, shall be seeming for them to do. And further, or more then this the defendrs desire nothing: without that that the complt hath to their knowledge any lawfull estate or interest in the premises, or hath sought or offered himselfe vnto their Church in such sort as hee alleageth. And without that that the defendant by any quirks, quilllets, or nicities in Law haue sought to rissle into the estates of their Farmers: And yet humbly desire, that if the complainant enioy any thing without good lease which is unknown to these defendants that he may not be set in better state against their Church then his estate requireth, but may be referred to their church, of whose dealings he sheweth, neither can shewe any cause to complaine: without that that any other matter or thing &c. Al which matters &c.

A Bil by one tenant in common of a manor in the North parts to haue a commission to examine witnesses which be aged and impotent, that their Testimonies may remaine of Record in perpetuam rei memoriam, for prooffe of the plaintiffe's title to the said manor, for that the Lord president & Councill of the North parts haue not power to grant any such commission.

To the right Honourable Sir *Thomas Bromley* Knight, Lord
Chauncellor of England.

Humbly complaining, sheweth vnto your good Lordshippe Sect. 169.
that *Walter Dator* C. P. of *L.* in the Countie of *C.* Esquire: That
whereas

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whereas your said *Dzatoz* and one *L. P. of C.* in the Countie of *C. ba* and *flaid*, as ought to be and stand seised in common in their demesne as of *se* amongst other things of and in the *Spannoz* of *L.* with the appurtenances in the said countie of *C.* concerning the partition of which said mannoz, variance, and contention in *Law* is like to arise between your *Dzatoz* and the said *L.* at the common *Lawe*. And so; as much as there be yet living diners aged persons inhabiting about the said *Spannoz* which do very well knowe the interest and title of your said *Dzatoz* in and to the said *Spannoz* in *fozms* as *foz* sayde. And so; that if the said witnesses beeing very aged and impotent & not likelie long to live should fortune to die before the triall of your said *Dzatoz* estate and title, of, in, & unto the *pmiffes*, it might thereby be greatly blemished, & your said *Dzatoz* in time to come disinherited of his saide moiety of the said mannoz. And so; that the saide witnesses dwelling in the *sozth* parts of this *Kealme* be so aged that they bee not able to trauaile neyther before your *ponoz* to be examined in her *spaisies* High Court of Chaucery, no; to any other ordinarie place of Justice, where *h* title of your said *Dzatoz* might, as may conveniently come in question and tryall by the due course of the common lawes of this *Kealme*. And so; that the *Lord* President and Councell established in the *sozth* partes (within the precinct of whose Commission not onely the sayde *Spannoz* but also your sayde *Dzatoz*, and the saide *L. P.* doe inhabit and dwell) doe not vsually no; cannot graunt any Commission for the examination of witnesses in perpetuam rei memoriam, although there bee great cause in equity to graunt the same. It may therefore please your good *Lordshippe* the *premisses* considered, to graunt unto your sayde *Dzatoz* the *Quenes* *spaisies* most gracious Commission vnder the Seale of this most honozable Court, to be directed unto some Gentleman of credit dwelling in those parts, as to your good *Lordshippe* shall bee thought convenient for the examination of such witnesses, as by your sayde *Dzatoz* shall bee produced before them, and to certifye and returne the examinations of the sayde witnesses, together with the same Commission before your good *Lordshippe* into her *spaisies* high Court of Chaucerie, there to remaine of Record ad perpetuam rei memoriam, and to be published at such time as to your good *Lordshippe* shall bee thought mete and convenient. And further to graunt unto your sayde *Dzatoz* the *Quenes* *spaisies* most gracious writ of Subpena, to be directed to the sayde *L. P.* commaunding him thereby at a certaine day, and vnder a certaine paine therein by your *Lordshippe* to be limited, either to toyne in Commission with your said *Dzatoz* for the examination of the sayde witnesses, or else to shew cause before your good *Lordshippe* why your said *Dzatoz* should not

not haue a commission alone for that purpose, & your said orator shal according to his bounden duety daily pray to Almighty God for the long p̄seruation of your R.o. good health, with increase of honoꝝ.

A Bill of complaint for detaining of the plaintifes Euidences, for entring into Mannors and Lands, and contriuing of secret estates.

To the right Reuerend father in God Stephen Bishop of Winchester, Lord Chancellor of England.

In most humble wise complaining, sheweth vnto your honorable god R.o. shippe your daily Orator T. Sp. Gentleman. What wher, as one P. Sp. eldest brother to your said Orator was lawfully seised in his demesne as of fee, of, and in the mannoꝝ of Sp. and W. with diuers messuages, landes, tenements, and hereditaments to the sayde mannoꝝ belonging in the Countie of C. to the verely value of 50. l. & aboue, and he being of the said mannoꝝ and other the p̄misses seised died of such an estate thereof seised, without issue of his body lawfully begotten. After whose decease the p̄misses descended & of right ought to descend vnto your said Orator as brother and next heire of the sayde Peter your sayd Orator, then being but of tender age, that is to say, of the age of twelue yeares oꝝ thereabouts. But so it is right honorable R.o., that all the euidences, dedes, charters, writings, and muniments, concerning the said Spanoꝝ and p̄misses during the minority of your said Orator, came casuall to the handes and possession of R. D. Esquire who by colour of hauing of the said euidences, dedes, charters, writings, and muniments, hath wrongfully entred into the saide mannoꝝ, landes, tenements, and other the p̄misses, and of h̄ same hath made and contriued diuers and sundry secret and false estates & conuincances to diuers persons to your sayd Orator vnknownen, to his owne vse, to the vtter disherison of your sayd Orator. And albe it your sayde Orator hath diuers and sundry times required the sayde R. D. as well to deliuer vnto him the saide euidences, dedes, Charters, writings, and muniments, as also peaceably and quietly to suffer, and permit him to enioy h̄ said Spanoꝝ, landes, & tenements, with their appurtenances, yet the said R. D. hath alwaies hitherto denied & refused, and yet denieth and refuseth so to doe, contrary to all right, & equity, and good conscience. And soasmuch as your orator knoweth not the certainty of the saide euidences, dedes, as, noꝝ whether they be contained in bag, oꝝ bore, sealed, oꝝ chest locked, yea oꝝ no, he is like to bee without all remedie for the recovery of the same by the order and due course of h̄ common law, except your R. goodnes be vnto him shewed in this behalf. In consideration whereof it may please your god R. to graunt

Seal. 170.

unto

unto your Ma^{ty}, the King, and L^{ds} of the Privie Counsaile wth of Subpena
to be directed to the said M. D. commanding him by the same at a cer-
taine day, and under a certaine paine by your L^{ty}. to bee limited, perso-
nally to appeare before your good L^{ds}hipps in the king and M. High
Court of Chancery at West. then and there to make answers to the
premisses &c.

R.Cat.

The Answer of the Defendant to the sayde Bill, wherein is confessed the having of divers evidences concerning the lands mentioned in the sayd Bill, and that he is ready to deliver them to whom the Court shall order them to belong: And for that the plaintiffs father is yet living, the defendant praisth that he may be called into the Court to shewe what title bee hath to the said evidences, and disclaimeth to haue any interest in any of the manners. &c. mentioned in the bill, but an interest he may be intituled to haue by reason of a Statute merchant he hath which was acknowledged by the complainants father.

**The Answer of R.D.Esquire to the bill of Complaint of
T.M.Gentleman.**

Sc&.171.

The said defendant by protestation not confessing or acknowledging any such lease, dying, sales, or descent as in the sayde Bill is alleged for answer saith, that he is not, nor at the time of the exhibiting of the said bill was not tenant of the sayde manors, and other the premises mentioned in the said bill, nor claimeth to have any thing in the premises, saving onely such benefit, interest, and title as the said R. is or may be entituled to have in or to the premises, by reason of a certaine Statute merchant, or Recognizance knowledged by Wm. ap. Esquire, father of the said complainant to Sir P. D. Miffg, deceased. Whadvantage of exception thereof, and all other benefits and interests that the saide defendant hath or may have by reason of the said Statute merchant or Recognizance knowledged by the sayd Wm. ap. Esquire father of the said complt as aforesaid and the execution to be sued of the same to the saide defendant alwayes saved and reserved, the said defendant sa; all other interests or titles disclaimeth in the said manors, lands, or tenements. And as to any evidences concerning y^e said manors, lands, or tenements mentioned in the said bill, except one Indenture, & one other writing made by the said Wm. ap. & one writing made by the said complt: The said defendant by protestation not knowing the certainty what evidences he hath in his custody concerning the said manors and other the premises, for that they be in the County of Chester, now facts from the sayd do; & answers

swore saith, that the saide W. ap. father to the saide complainant long time past was seised of the said manors, lands, and tenements of an estate of inheritance in possession or in use by descent from his Ancestors, and the said evidences came to the hands of the said Sir P. D. Knight long time past, and by & after the death of the said Sir P. D. the same evidences came to the possession of the said defendant, which saide defendant desireth that the saide W. ap. which is yet in full life may bee called into this honourable court to shew what title hee hath or claimeth to the said evidences, and the said defendant is and shalbe ready to deliuer such evidences as hee hath concerning the premises, except the said Statute merchant, and other writings and defences of the said Statute as appertaineth to the saide defendant to such person or persons to whom this honourable Court shal award the same to appertain: And as to the thre writings befoze excepted, the saide defendant hath them here ready in this honourable Court, to be deliuered to whom this honourable Court shal adiudge the same to appertaine, without that, that the said defendant hath wrongfully entred into the said Mannors, lands, and tenements, and of the same hath made or contriued any estates and conueyances to diuers persons in such sort as in the said Bill is vntreuely alleaged: And without that, that any other thing materiall to be answered vnto, other then that in this present Answer is confessed and auoided is true: All which matters the said defendant is ready to auerre and proue as this hon. Court shal award, and prayeth as befoze he hath desired: And also that hee may be dismissed out of this hon. Court with his reasonable costs and charges for his wrongfull verations sustained in this behalf.

Am. Gilbert.

A Bill of Complaint by I. W. and the Lady Jane his Wife, daughter & heire of the Lady Jane deceased against the husband and his wife, for entring into a house and landes, and keeping of the possession thereof, for detayning of Euidences, and contriuing of secret estates in the premises.

To the right reuerend Father in God Stephen Bishop of Winchester, Lo. Chauncellor of England,

I your right humble wife complaining, sheweth vnto your good Lord, Sect. 172.
 I. W. your Suppliaunts J. W. and the Lady Jane his wife, daughter and heire to the Lady Jane D. deceased. That whereas he saide Lady Jane D. in her life time was lawfully seised in her demesne as of fee of and in one messuages or house, with a garden thereunto belonging, set, lying, and being in B. in the Countie of D. and of and in 1. acres of arable land, meadow and pasture, with their appurtenances therunto belonging

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belonging in B. aforesaid, and to being of such an estate thereof seised about 4. yeares past died thereof seised. After and by whose death the premises descended and came as of right they ought to descend and came unto your saide Matric, as daughter and heire of the said Lady Ja. D. her mother. So it is if it may please your god L. that diuers deedes, evidences, Charters, Quintments, and writings concerning onely the premises, and of right belonging to your said Matric as in the right of the saide Lady Ja. D. by casuall meanes are come to the hands, possession, and custody of J. C. Gentleman, and C. his wife, who by colour of hauing the said evidences and writings, haue entred into the premises, and by colour thereof haue contriued, conueyed, and made to themselves diuers secret estates of the premises, and thereby doe likewise detaine and keep the possession of the same premises from your saide Matric, albeit they haue bene diuers and sundrie times thereunto by your suppliants required for the deliuerie of the same, yet that to do, they haue alwaies hitherto denied, and yet to deny to the manifest disinheriting of the saide A. and the great wrong and losse of both your said Matric, so that your said Matric does not knowe the certaine nuber, or certaine dates of 2. deeds and conueiances, nor wher they be contained in bag or boxe sealed, or chest locked, whereby they be for the recovery of the same premises cleane without remedy by the strict course of the common laws of this realme. In consideration whereof the premises by your god Lordship tenderly considered, it may please your god L. to graunt unto your said Matric the Quens Maiesties most gracions writ of Subpoena to be directed to the said J. C. and C. his wife, commanding them and either of them thereby personally to appeare befoze your god Lordshippe in the Quens Maiesties High Court of Chaucerie at a certaine day, and vnder a certaine paine therein by your god Lordshippe to be limited and appointed, then and there to answer to the premises, & further to stand to & abide such final order and direction therein as to your Ho. god L. with right and equitie shall seeme most mete & convenient. And your sayde Matric shall pray for &c.

A bill by the lessee for yeares of the Scite of a Mannor &c. containing the detayning of the plaintifes lease of the premises, the breaking of the seales thereof, and that the defendants by a practise among st them, to the intent to impoverish the plaintife, and unjustly to get from him the premises, haue brought an Assise in the Towne of Salop against him for the same, in which suite there is a partiall iurie returned by the Bailifes of the saide Towne. And one other suit commenced against him for part of the

the premisses by one of the defendants before the Conuercell in the marches of Wales, and therefore prayeth an Inuincition for stay of the sayde suites: and also a Subpena against the defendants to appeare and answer the bill.

To the Right Ho. Sir Nicholas Bacon Knight, Lord Keeper
of the great scale of England.

IA most humble wise complayning, sheweth vnto your H. good Lo. Sect. 147.
your poore and dayly orator, P. D. of A. in the countie of Shalop C^{ty}.
That whereas one Jo. late Duke of Northumberland in his life
time amongst diuers other lands, tenements and hereditaments was
lawfully seised in his demesne as of fee, of and in the manor of A. lying
and being within the said countie of Sh. and so being thereof seised by
his deede indented about the 27. yere of the Reigne of the late King of
famous memory King Henry the 8. by the name of Sir Jo. D. Knight,
did demise, graunt, set, and to ferme let vs P. C. the Scite of the man-
nor of A. aforesaid, together with the mansion or hall place of the same:
And all and singuler landes, meadowes, leasowes, pastures, feedings,
woods, waters, and commons, with all other commodities, duties, ser-
uices, and customes, to the said Scite of the saide Mannor belonging
or in any wise appertaining: To haue and to hold the aforesaid Scite
of the said mannor, and all other the premisses, and all and singuler the
appurtenances to the said P. C. his executors and assigns from the
feast of Saint Michaele the Archangell then next comming after the
date of the aforesaid Indentures vnto the end and terme of thre score
yeres then next ensuing, and fully to bee compleated and ended, pay-
ing and paying thereof yearly vnto the saide Sir John Dudley
his heires and assigns foure pound Sterling at the feast of the Annun-
ciation of our Lady, and Saint Michaele the Archangell by euen por-
tions, with diuers other covenants, graunts, and agréments con-
tained and specified in the saide Indentures, as by the same moze at
large it doth and may appeare: By force whereof the sayde P. C. in-
to the premisses entred, and was possessed accordingly: The state and
interest of which sayd P. C. so and in the premisses, and euery part
and parcell thereof, your poore orator by iust and lawfull conuei-
ance and assurance in the law of long time hath had and now hath, and
the same hath quietlie and continuallie possessed and enioyed for
and by the space of foure score yere now last passed by force of
the sayd Lease made to the sayd P. C. by the aforesaid Duke,
without lette or interruption of any person or persons, vntill
now of late that the aforesaid Lease is casually come to the hands and
possession of Sp. R. of P. in the countie of Sh. Esquires, which persons
maliciously

maliciously intending your poze Datoz impoverishment and utter undoing, haue not only wilfully broken in pieces and disseuered from the said Lease the seale of Armes of the said Duke annexed by him to the aforesaid lease, and other wise defaced the same, to the intent your said Datoz although he should recouer against them by due order and course of the lawes of this Realme the aforesaid lease, yet he might bee the lesse able to pzooue the said lease to be made by the aforesaid Duke, soz that they well perceine the time now so farre spent, that very fewe or none of the witnesses that were present at the sealing and deliuey of the saide lease bee now living as they suppose: But also they haue further conspired and agreed amongst themselves, together with one R. W. of A. in the county of Salop, and R. S. of the towne of Salop and County aforesayd, That bee the sayd R. W. in the name of the said Edward L. at the onely costs & charges of the sayd R. W. should arraigne an assise of Honel Disceissin against your said Datoz in the Towne-Court of Salop, soz y the aforesayd Scyte of the mannoz of Acton Kenard and other the pzemisses are situate and lying within the Jurisdiction of the said Towne-court of Salop, supposing thereby your said Datoz to haue disseised y said Edward L. of his freehold in Acton Kenard aforesaide, intending thereby thzough his sinister dealing and practising by indirect meanes with the Baylifes of the sayde Towne, which haue returned a pannell of such Jurors as be the sayde Edward L. and other his friends, kinred, and allpance, might rather thzough friendship and fauour then by reason of any good matter, win and allure to find and giue verdict soz the said Edward L. rather then soz your said Datoz, although his interest and right to and in the pzemisses be very good and rightfull, as in very deede it is: But also the aforesaid Ed. L. together with others the persons aboue named, haue, soz your poze Datoz further trouble, beration, and expences conspired and agreed amongst themselves, together with the aforesaid R. D. that the sayd R. D. should exhibit his bill of complaint against your said Datoz befoze y Duenes Paleties Councell in the marches of Wales, pretending thereby title and interest to part of the sayd land, by vertue of a supposed lease soz yeares made to one R. D. Clerke, by one A. P. Esquire where in very deede there was neuer any such lease thereof to him made by the said A. P. so that the said R. S. hath not by reason of any such lease, or otherwise, any iust cause of suite against your said Datoz: which vngodly inuention & diuelish deuises of theirs, they of late put in vze, and practised against your said Datoz, intending thereby thzough the suit had and prosecuted by the said R. W. in the name of the saide Ed. L. aforesaid against your sayde Datoz in the Town-court of Salop aforesaid, where the said Edward L. is greatly

friendly

friendes of kinne and alliance, And also throughe the aforesayde suite
 commenced by the Quenes Maiesties Councell by the sayde R.D.
 against your said Wjatoz, where the said Edward R. is also greatlie
 friended and acquainted, and ready at all assaies as much as in him ly-
 eth, to succour and further the said R.D. in his said suite against your
 said Wjatoz in the Courts aforesayd, where the said Edward R. and
 R.D. are very well friended and allied as aforesaid, and your said Wj-
 ratoz a mere stranger and of the Countie of Chester bozne a poze ser-
 uingman there altogether unfriended, and not acquainted, intending
 by their said suites so to trouble and bere your said Wjatoz, and to put
 him to such intollerable charges and expences in defending his right
 against them, that your poze Wjatoz either soz lacke of substance and
 wealth, should not be able to beare the charge of the said suits in law a-
 gainst them, but either be compelled of mere necessitie to yeelde & gins
 vp his interest in the premisses vnto them, or else to trouble & molest
 your said Wjatoz in the said Courts, that either soz want of wealth, or
 leisure, your said Wjatoz should not be able to complaine against them
 befoze your Honoz, or elswhere to seeke soz redress to hes had therein
 by due meanes, and order of the lawes of this Realme. In tender consi-
 deration whereof, and soz as much as your saide Wjatoz knoweth not
 the certaine date of the aforesaide lease, nor yet the number of yeares
 therein contained, by reason whereof, your saide Wjatoz by meanes
 thereof is without all remedie by the due course and order of the com-
 mon lawes of this Realme. May it therefore please your good Lorde-
 ships the premisses considered, not onely to graunt the Quenes Ma-
 iesties writ of Injunction to be directed to the said Edward R. W.
 and R.D. and to euery of them, and to all their Coucellors, Attornies,
 & Solicitors, and to the Coucellors, Attornies, and Solicitors of ene-
 ry of them, commanding them and euery of them thereby no further to
 prosecute or proceed in the said suits or either of them, against your said
 Wjatoz befoze the R. Maiesties Coucell in the Marches of Wales, nor
 befoze the Baylifs of the said towne of S. vntill such further order ther-
 in be taken by your good L. as shall seme to stand with conscience and
 equitie; but also to grant the R. Maiesties most gracious writ of Sub-
 pena, to be directed vnto the said Ed. R. D. &c. and to euery of them,
 commanding them and euery of them thereby vnder a certaine paine
 therein to be limited personally to appeare befoze your good Lo. in the
 R. Maiesties high Court of Chancery, at a certaine day therein to be
 contained, then & there to answer to the premisses, &c. And your poze
 Wjatoz shall daily pray vnto God soz the preservation of your honou-
 rable estate long to continue.

Supplications, Bills,

A Bill containing that one being seised in fee of an Inne in London, leased the same to one for yeares, reserving a rent, the which lease came by divers meane conveyances to the plaintife, with covenant to make further assurances: and then they shew that the originall lease and the meane conveyances, with a deed of gift, are come to the hands of the defendants, by colour whereof they have entred into the possession of the Inne, & therof haue dispossessed the plaintifes, & that they refuse to deliuer the lease, meane conveyances, & deed of gift, or to make any further conveyances to the plaintifes of the said Inne according to the said covenant wherupō the plaintifs pray a Subpena, with a Duces tecum against the defendants.

To the Right H. Sir Christopher Hatton of the most noble order of the Garter, Knight, L. Chancellor of England.

Sect. 174.

In most humble wise complaining, sheweth vnto your good Lo. your loyaly Maiores J. L. and P. Wo. Citizens & Clothworkers of the citie of London, that whereas one A. B. Citizen and Fishmonger of London was lawfully seised in his demesne as of six, of, and in one house or tenement, called the signe of the Lambe, with the shops, sellers, sellers, together with all and singular the appurtenances, set, lying, and being in the parish of S. Michael in Cornhill London, sometimes in the occupation of one J. S. Grocer, and the sayd A. B. so being of the sayd house or tenement & other the premises of such an estate seised, about the month of Sept in the 36. yere of the reign of the late R. of famous memozy R. Henry the 8. did by his deed in writing sufficient in the law demise, graunt, and to farme let to one W. L. citizen & blacke-Smith of London the said house or tenement, and other the premises, to haue & to hold to the said W. L. his executors and assigns for the terme of diuers yeares yet enduring at and for a certaine yearely rent thereupon reserved. By force wherof h̄ said W. L. into the said house or tenement & other the premises entred, & was thereof possessed accordingly. And the said W. L. so being thereof possessed by his deed indented sufficient in the law in or about the month of Decemb. in the said 36. yere of the reign of h̄ said late R. H. the 8. bargained, sold, and conueied the sayd Indenture of lease so made vnto the said W. L. & al his title and term of yeres thē to come in the premises to one T. V. Citizen and draper of London his executors and assigns. By force wherof the said T. V. into the said house or tenement and other the premises entred, & was thereof possessed, and the issues & profits thereof received & took accordingly, & so being thereof possessed, died intestate, after whose decease h̄ administration of the said lease, & of all other the goods, chattels, and debts of the said T. V. were lawfully committed to h̄ handes, possession, & distributiō of Joane the wife of the said T. V. by force wherof h̄ saide Joane into the

the premises entred, and was thereof possessed, and so being thereof possessed married, & took to husband one *W. P.* citizen & upholster of London. By force of which intermarriage, the saide *W. P.* into the premises entred, & was thereof possessed, & received & took the issues and profits thereof accordingly, & so being thereof possessed, in or about the month of June, in the 1. yeare of the raigne of our Soueraigne Lady *Q. Elizabeth* that now is, by one writing or Wole deed sufficient in the Law, conveyed and assured the premises and al his estate, right, title, interest, to one of yeres, claime, and demand, of, in, & to the same, to one *W. P.* citizen and Djafer of London, by force whereof the said *W. P.* into the premises entred, and was thereof possessed, and so being thereof possessed, by his deed of gift sufficient in the law, or by some other good & sufficient conveyance and assurance in the law, the certaintie whereof, for want of the same, your Djaors are not able to shew, did give, graunt, convey, or assure the said house and tenement, and other the premises, & all other his goods & chattels whatsoever to one *W. B.* late of *Stoke Albanie* in the Countie of *Portsmouth* Gentleman deceased, & *Bersaba alias Barbara* his wife, by force whereof the said *W. B.* and *Bersaba alias Barbara*, into the premises entred, and were thereof possessed, & so being thereof possessed, the said *W. B.* in or about the month of January, in the 17. yeare of the raigne of our Soueraigne Lady *Elizabeth* the 1. *Spate* that now is, made and declared his last will & testament in writing, and thereof constituted & appointed the said *Bersaba alias Barbara* his wife his executrix, & died of the premises possessed. By & after whose decease the saide *Bersaba alias Barbara*, by right of survivour, & by vertue of the said executoryshippe, held her selfe in the premises, & was thereof sole possessed, and received & took the issues & profits thereof accordingly, & so being thereof possessed, married & took to husband one *M. Williams* of *Stoke Albanie* in the said countie of *Portsmouth* Gentleman. By force whereof the said *M. Williams*, & the said *Bersaba alias Barbara* his wife or one of them were of the premises lawfully possessed, and so being thereof possessed, they the said *M. Williams* and *Bersaba alias Barbara* or one of them by their or one of their writing of assignement sufficient in the law in or about the month of February in the 28. yeare of the raigne of our Soueraigne Lady *Elizabeth* the 1. *Spate* that now is, for and in consideration of a certaine competent summe of lawfull money of England, to them or one of them in hande paid by one *George Smith*, citizen and merchantaylor of London, did bargain, sell, assigne, and set over unto the sayd *George Smith* aswell the aforesaid house or tenement, the sayd originall Indenture of lease, the sayde deed of gift, and all other the means conveyances & foresaide as all the estate, right, title, interest, terme of yeres, his,

Supplications, Bills,

possession, reuerſion, claim, and demand of the ſaid Robert Williams and Berſaba *alias* Barbara, and either of them, or of any other perſon or perſons to the uſe & behoſe of them or either of them. And did covenant, promiſe, conclude, and agree to and with the ſaid George Smith his exrecutoꝝ and aſſignes, that they the ſaid Robert Williams & Berſaba *alias* Barbara, and Elizabeth Hoſſer, wife of the ſaid W. S. and euery of them, and the exrecutoꝝ & adminiſtratoꝝ of them and euery of them ſhould & would at al times after the making of the ſaid wꝛiting of aſſignemēt to the ſaid George Smith as afoꝛeſaid, & from time to time during the ſpace of diuers yeares make ſuch further conueyance of the ſaid houſe, and all other the pꝛemiſſes, to the ſaide George Smith his exrecutoꝝ or aſſignes, as by them or any of them, or their or any of their counſell learned ſhould be deniſed. By vertue wherof, the ſaid George Smith into the ſaid houſe and tenement, and other the pꝛemiſſes entred, and was thereof poſſeſſed, and ſo being thereof poſſeſſed, in or about the moneth of March, in the 28. yeare of the Raigne of our ſayde ſoueraigne Lady Elizabeth the Qu. Paieſſie that now is by his wꝛiting of aſſignement vnder his hand and Seale did well and ſufficiently giue, graunt, bargain, ſell, aſſigne, and ſet ouer the ſaid houſe, or tenement and all other the pꝛemiſſes and all his eſtate, right, title, intereſt, and demaō, of, in, and to the ſame, together with the ſaid originall Indenture of leaſe, & all other the meane aſſignement thereof, & all other wꝛitings & euidences concerning the ſame vnto your L. ſaide Maꝛtoꝝ. By vertue wherof your Maꝛtoꝝ into the pꝛemiſſes entred, and were thereof poſſeſſed, & the iſſues & pꝛofits thereof receiued and toke, without interruption of any perſon or perſons. But ſo it is, if it may pleaſe your good L. that the ſaid diſpoſe of gift made by the ſaide W. S. together with the ſaid originall Indenture of Leaſe and the mean aſſignements thereof are caſually come to the hands, cuſtody & poſſeſſion of the ſaid Robert Williams, & Berſaba *alias* Barbara his wife, or one of them, who by colour of hauing thereof haue wꝛongfully entred into the pꝛemiſſes, and thereof diſpoſſeſſed your ſaid Maꝛtoꝝ, & the poſſeſſion thereof together with ſaid euidences & wꝛitings detaine & keepe from your ſaide Maꝛtoꝝ, & by meanes of hauing the wꝛiting of Aſſignement made by the ſaid W. S. and Berſaba *alias* Barbara his wife vnto the ſaid George Smith in their owne handes and cuſtody, whereby they haue covenanted to make further aſſurance vnto ſaid George Smith his exrecutoꝝ & aſſignes, utterly reſuſe to deliuer vnto your ſaid Maꝛtoꝝ the ſaid euidences & wꝛitings, or to make them any further aſſurance of the pꝛemiſſes, notwithstanding they haue bene ſundry times therunto gently required, but by practiſe and confederacie with other their complices, aduerſaries of your ſayde Maꝛtoꝝ, goe about to impeach, hinder,

hinder, and overthrowe your Writors god and lawfull estate in and to the premises contrary to all right, equitie, and good conscience, & to the manifest and expresse wrong & injury of your said Writors. In consideration whereof, and so; that your writors know not the certain dates, number, nor contents of the said evidences and writings, nor wherein the same are contained, whether in bag or box, sealed or unsealed, chest or casket, locked or unlocked, and so consequently without any remedy at the common L. alive for the recovery thereof, or to compell the sayde Robert Williams, Barbara his wife, & the executors or administrators of the said Eliz. Gosier or any of them to make unto your writors further assurance of the premises, or to keep or defend their lawfull title thereunto. May it therefore please your good L. to grant unto your Writors her sheweth most gracious writ of Subpoena with a *Dues tecum*, to be directed to the said Robert Williams and Barbara his wife, commanding them and either of them that by a certain day, and under a certain pain by your good L. to be limited, to be, and personally to appeare before your L. in her sheweth most high court of Chancery, and to bring with them the said originall Indenture of lease, and the said deed of gift, and all other the means assignours thereof, which and thereaftow to answer to the premises, as also to shew and give shew such further order and direction therein, as to your L. shal be thought to stand with equitie and good conscience, And your saide Writors according to their bounden duty shal pray to God for your L. long life, with increase of much honour.

The joint and severall answer of R.W. and Barbara his wife, defendants, to the Bill of complaint of I.L. and N.M. complainants.

The said defendants by protestation not confessing the saide B. to be lawfully seised in his demesne as of fee, of, and in the said house or tenement, called the signe of the Lambe, with the shops, cellars, cellars, and other their appurtenances: Neither that the said Winton did graunt it to the said W.L. for certaine yeares upon a certaine rent in manner as the sayde plaintifes haue alleged: neither that the sayd L. was thereof possessed accordingly, and so being possessed, did bargain, sell, and convey the saide Indenture and all his title and service unto the said L.V. and his Assignes, or that the saide V. was thereof possessed accordingly, or that after his decease the administration of all his goods and chattels were committed to Joane his wife, or if shee was possessed thereof by vertue of the saide administration, or after take to husband the said Winchbecke. But the said defendants for answer say, that they haue heard that the said Winchbecke was possessed of the saide

Sec. 175.

house called the Lamb, but together the said Winchbecke conveyed his estate to the said possessor, or that the said possessor was possessed thereof, as by his deed of gift doth appear he permitted unto the said B. he knoweth not, and saith, that about twentieth five yeeres sit hence the sayde possessor did give all his goods and chattels to the sayde B. and the said Berlabn was one of the said defendants, but she knoweth not whether the sayde B. was possessed of the sayde house, or was thereof possessed. And the said Berlabn saith, if the sayde B. appointed her his executrix of his last will, but knoweth not whether the said will came to her by bargain, or ship or executory ship, or any other waies, or whether she was possessed thereof by those of any other waies. And the said defendants further say, that it is more than they do certainly know whether they or either of them were thereof in right possessed. And the said W. Williams saith, that whether he assigned or set out his interest or the lease thereof in the said house or premises unto the said Smith he knoweth not, but to his remembrance he sealed and delivered an obligation as he taketh it to the said Smith but upon what condition he knoweth not, being 3. yeeres past, and he altogether unlabeled, without that he says somethings unto the said W. Williams to his interest of the said house and premises to his remembrance, neither do the said defendants know whether the said Smith by bargain and sale or by gift or set out his estate in the premises, or the premises with other writings, unto the said complainants. And that the said complaint, did enter accordingly, or were possessed thereof, or took the profits thereof, as it is alleged, without that that the original indenture of lease, or the mean conveyances or assignments thereof are come to the possession of the said defendant. But the said Berlabn saith, that the said deed of gift made by the said Williams possessor was in her possession about three yeeres now past, but what is become of it since she knoweth not. And without that, that the said defendant, came by collusion thereof and actually entered into the possession of the premises, or disposed the said complaint in such manner & forme as in and by their said bill of complaint is alleged. And without that &c.

A Bill containing that the plaintiff is seised in fee of the manor of D. & that one of the defendants is seised of the manor of C. in fee holden of the plaintiff's manor by homage & fealty & service & rent, & that the same defendant has assured parcel of his said manor to the other of the said defendant in fee, & that the same is holden of his said manor by the same services & part of the rent: & that divers evidences &c. are come to the hands of the defendants: & that the defendant intend to disherite the plaintiff of the rent and services, & that they refuse to pay the plaintiff the rent, or to do him the services, & so prayeth a Subpoena against the two defendants.

To the right reverend Father in God Stephen Bishop of Winchester, Lord Chancellor of England.

Sept. 176.

S Peteth and complaineth unto your good L. your daily Orator, that **S. P.** a night, that where your said Orator is lawfully seised in his demesne as of fee, of and with the mannoz of **D.** in the countie of **C.** of which mannoz diuers persons being tenants and freeholders, doe hold by suit of Court and other services. And where also one **J. W.** of **C.** in the said Countie of **C.** Esquire is also seised in his demesne as of fee, of, and in the **Spanoz** & Lordshipp of **C.** in the said Countie of **C.** and of and in diuers lands and tenements in **C.** in the said county of **C.** and so being thereof seised, the same doth hold of your said Orator as of his said mannoz of **D.** by homage, fealtie, service, viz. six rent and suit of Court for three weeks to three weeks holden within the said mannoz of **D.** and the said **J. W.** so being seised of the premises, hath now lately conveyed and assured part of the said mannoz, lands, and tenements in **C.** as he hath said unto one **W. S.** Esquire his heires and assigns, by deed whereof the said **W. S.** doth now hold the said parcel of land of your said Orator as of his said mannoz of **D.** by the service aforesaid, and by part of the said rent of **vi. s.** according to the quantitie of the sayde laundes so by him purchased of the said **J. W.** And so it is right honorable L. that whereas daies, evidences, writtings, and court-rolls, as well concerning the said mannoz of **D.** as also concerning the sayde rent and services thereof rehearsed, be now of late casually comen to the hands, custodie and possession of the said **J. W.** and **W. S.** who by colour thereof do pretend now utterly to disherit your said Orator of his said rent & services, & doe deny & refuse either to pay unto your said Orator his said rent, or else to do unto him his said services. And although your said Orator hath diuers & sundry times required the said **J. W.** & **W. S.** as well to deliuer unto him the said evidences, daies, writtings, & court-rolls, as also to pay & do unto him the said rent and services according as of right they ought to do, yet nevertheless the said **J. W.** & **W. S.** have utterly denied & refused alwaies the same to do contrary to all equitie and conscience. And soasmuch as your said Orator knoweth not the certaintie of the said daies, evidences, and writtings, nor wherein the same be contained, nor also knoweth not the certaintie of the said lands and tenements that the said **W. S.** hath purchased of the said **J. W.** therefore he is not onely clerely without remedy for the recovery of the said daies and evidences, but also by the order of the common lawe is not able to make any answere upon the said **W. S.** for his said rent. In consideration whereof may it please your good L. to grant the **H. & D.** most gracious writ of Subpena, to be directed unto the said **J. W.** and **W. S.** commanding them and either of them by vertue thereof personally

to appeare before your godd L. in the R. and A. most he court of Chancery at Wilest. there to make answer to all the promises, and therein to abide such order and direction, as to your godd L. shalbe thought convenient to equite and good conscience, & your said parties shall daily pray to god for your godd L. in health and hono; long to continue.

An Answer to the Bill next before.

*The Answer of H. S. Esquire to the Bill of complaint
of Sir T. H. Knight.*

Sept. 177.

The said defendant saith, that the said bill of complaint is untrue, uncertaine, and insufficient in the law to be answered unto, & the matters therein contained are determinable and ought to be determined at the common law within the Countie Palantire of C. within which Countie aswell the said complainant as the said defendant doe dwell. And also the said manors and other the premises mentioned in the said bill of complaint, and supposed to be holden of the said complainant, do lie and be: and further saith, that it appeareth by the said Bill of complaint, that althoughe it were true, as it is not indeed, that the said person of Capisthorpe were holden of the said complainant in such manner, and forme as in his said bill is surmised, yet the said defendant may not now nor ought by the lawes of the realme hold such parcel of the same manors of C. as hee hath purchased by the services mentioned in the said bill. And also that the saide complainant is compellable by the lawes and statutes of this realme to avow at his perill upon such parcel of the said manors of C. as are severed from the same in seimple for such portion of the said rent, as the value of the same parcel is severed both amount unto, and hath his ordinary remedy for the same by the order of the common lawes and of the statutes of this realme in that case provided, if the allegations of his bill be true, and the said rent cannot by the order of the common lawe of this realme be appoynted in this Honorable Court. And which matters and other causes apparat in his said bill the said defendant saith, that the same bill and the matters contained in the same be insufficient in the Lawe to be answered unto: And that he is not compellable, nor ought by the law to be compelled to make any further answer to the same, and demurreth in lawe upon the same, and prayeth to be dismissed out of this H. Court without any further answer to be made thereunto, And if this court will not now doe admit this demurrer, but the same notwithstanding will compell the saide defendant to make further answer to the saide Bill anotherwise then by compulsatorie order of this court, the

said

saide defendant claiming the advantage of the lawes of this realm wher-
 by he ought to be tried, both not nor will make any further or other an-
 swer to the same, then the said defendant after such order made by this
 Court to make further answer saith, that the said J. W. named in the
 said bill of complaint was seised in his demesne as of fee, of and in one
 speale and certaine lands and tenements conteyning by estimation
 60. acres or thereabouts, which speale and landes is called W. and
 are within the County of C. alsofeild, and are of the yearly rent and
 value of 5 l. 8. 4. d. and the said J. W. so being thereof seised for cer-
 taine summes of money to him paid, did bargaine and sell the sayde
 speale, landes, and tenements called W. unto the sayde defendant, &
 his heires, and thereupon did by sufficient and lawfull conveyance in
 the lay convey and assure the said speale, landes, and tenements called
 W. unto the said defendant and his heires, to the proper use of the said
 defendant and of his heires, by force wherof the said defendant entred
 into the premises, & was thereof seised in his demesne as of fee, and the
 same estate continued untill about the first yeare of the Reigne of the
 late King Edward the first, that one R. W. by the commandement of
 the said complainant did enter into the said speale, and into one pasture
 or croft, conteyning by estimation two acres of land, lying on the south-
 east part of the said meale and adjoining to the same, and into one W.
 chard and one garden lying to the said meale, being parcell of the sayde
 landes & tenements called W. and in W. alsofeild, and thereof did dis-
 seise the said defendant to the use of the said complainant, so which en-
 trie and disseisin the saide complainant did agree, by force wherof the
 said complaint was and yet is seised in his demesne as of fee by disseisin
 as alsofeild of the said meale, orchard, garden, and croft: without that,
 that the said defendant J. W. did hold the same mannor of Capitham
 of the saide complainant in manner and forme and by such services as
 by the said bill of complaint is alleaged: W. that there is any such ma-
 nor of C. to the knowledge of this defendant: or that the said J. W. did
 or both hold the said manor of C. of the sayd complainant to the know-
 ledge of the said defendant, or that the saide defendant had any other
 meales, landes, or tenements, which at any time were the meales, la-
 or, or tenements of the said J. W. other then the saide meale, landes, & te-
 nements called W. or that the said meale, landes, and tenements called
 W. are or at any time were parcell of the said manor of C. & if the sayd
 meale, landes, and tenements called W. had bin parcell of the said ma-
 nor of C. as they were not, or if the sayde defendant did hold the sayd
 meale, landes, and tenements called W. of the said complainant accor-
 ding to the quantity of the said rent and service, as the said complainant
 by his said bill of complaint hath supposed as he doeth not indeed, yet
 so much

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for so much as the said compt is seised of parcel of the said lands, and tenements called *W. by disseisin* as is aforesaid, and the same mease, lands, and tenements called *W. by disseisin* are holden all by one entire tenure, & whole rent and services are suspended during the time of the said disseisin, and the said defendant is and ought by the law to be discharged during the time of the said disseisin: without that, that any Evidence, deeds, writings, or courtrolles concerning the said manors of *Over*, or the said rent and service at any time came to the hands, custody, and possession of the said defendant, or that the said defendant doeth intend utterly to disinheret the said complainant of the said rent and services which he ought to do or pay, or that any other thing &c. All which matters &c.

A Replication to the Answer next before,

Sect. 178.

The Replication of Sir T. H. Knight, to the Answer of H. S. Esquire.

The saide complainant saith in all and every thing as he before in his bill hath said, and avetteth all and every thing therein contained to bee good and true in such maner and forme as in his said Bill is alleaged, without that that the said *H. S.* named in the said answer did wrongfully enter by the commandement of this compt into & seised mease and other thelands named in the said answer, being parcel of the said lands and tenements called *W. by disseisin*, or thereof disseised the said defendant to the use of the said compt as by the saide answer it is truly alleaged, or that & said compt did agree to any such entry and disseisin, as by the said answer is supposed, or that this complainant was or is by force thereof seised by disseisin of the said messuage, orchard, and garden named in the said answer, as by the said answer is utterly alleaged, or that any other matter or thing alleaged in the said answer materiall to be replied vnto, which here in this repl is not confessed or avoided, denied, or trauesed, is true. All which matters &c.

G, Ge.

A Bill containing that the plaintife by bargain and sale, by feoffement and fine bought one mease &c. in fee, & that diuers evidences concerning the premisses are casually come to the defendants hands, & that by colour thereof the defendat hath entred into parcell of the premisses and expulset the plaintife from the possession thereof, and wrongfully keepeth the same.

To the Right Ho. and the reuerend father in God
Stephen Bishop of Winchester,

Sect. 179.

Complaining sheweth vnto your Hon. Ls. your orators *H. S. Esquire*, that where one *A. W. of C.* in the county of *C.* was seised in his

his demesne as of fee, of and in one mease, one garden, one orchard, 60. acres of land, meadows, wood, and pasture, with the appurtenances in Wilt. called Wilt. in the county of C. and the said J. Wilt. & his ancestors, whose heire he is, did continue peaceable possession of the premises by the space of 100. yeres & above, and the said J. Wilt. so being thereof seised for certayne great summes of money to the said J. Wilt. by your said orator consented and paid, did bargain and sell the premises unto your said orator & his heires to the proper use of your said orator & of his said heires for ever, and thereupon did by his deed sufficient in the law, give, grant, and confirme the premises unto your said orator and his heires for ever. And so for a further assurance thereof to bee had unto your said orator and his heires, the said J. Wilt. before the Justice of the said county of C. did leuie a fine *sur cognisance de drois* of the said mease, lands, & tenements unto your said orator, and by the same fine the said J. Wilt. did knowledge all the right which he had in the same mease, lands, and tenements to be the right of your said orator, as those which your said orator had of his gift, as by the said deed and fine more at large it both and may appere, by force whereof your said orator entered into the premises, and was thereof seised in his demesne as of fee. But so it is if it may please your honorable Lordship that diuers evidences, deedes, escripts, and monuments concerning the premises are casually come to the hands, custody, and possession of one Sir L. H. knight, who by colour of having thereof hath wrongfully entered into the said mease, orchard, garden, and into one croft containing by estimation 2. acres of land, lying and adioyning unto the said mease on the Southeast part of the said mease parcel of the premises, and expelled your said orator from the possession thereof: And the said Sir L. H. doth still wrongfully keepe your said orator from the possession of the said mease, orchard, garden, and croft. And although your said orator haue diuers times required the said Sir L. H. not onely to permit and suffer your said orator to haue and enioy the said mease, lands, and tenements, but also to make deliuey thereof unto your said orator, which to do the said Sir L. H. at all times hath refused & yet doth refuse, contrary to right, equity, & conscience. In consideration whereof, & so much as your said orator knoweth not the certainty of the said evidences, deedes, & writings, nor wherein they be retained, therfore he is without remedy by the order of the common law. It may therefore please your ho. L. to grant &c.

*The Answer of Sir T. H. Knight to the Bill of
complaint of H. S.*

The said def. saith that the said bill of complaint is vncertaine & insuffi- Sect. 180.
cient in the law to be answered unto, & the matters therein contained
being

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haue been vttruelly deuised, imagined, and set forth, without any good matter or iust cause, only to the intent to put this defendant to waightfull vexation, trouble, and expences. And so answer vnto the said insufficient Bill, the said defendant saith, that our late soueraigne Lord M. Henry the 8. late King of England, father to our most soueraigne Lady that now is, was seised among other lands in his demesne as of fee, as in the right of his said Crowne of and in the shanno and Lordshyp of M. with thappertenances and hamlets to the same appertayning, set, lying, and being in the countie of C. whereof the sayde messuage, garden, Orchard, and croft, contayning by estimation the sayde two acres of land lying in D. parcell of the pzemisses in the said bill of complaint mentioned be parcell: And our said late soueraigne Lord King Henry the 8. being so thereof lawfully seised aswell so, and in consideration of the saythfull seruice that the saide defendant had done to the said late King Henry the 8. as also so diuers summes of mony paid by the said defendant to the said late M. Henry the 8. the said late M. Henry the 8. by his letters patentes in this honorable court ready to be shewed, the date whereof the said defendant doeth not perfectly remember, did giue and grant of his psciencie and moore motion vnto the sayde defendant the said manor and other the pzemisses in the saide Answer mentioned, to haue and to hold vnto the said defendant and his heires soeuer, by force whereof this defendant into the pzemisses entred, and thereof was seised accordingly, and toke the profits thereof accordingly, and yet doth as well and lawfull it was and is so him to doe. And further the said defendant saith, that such euidences, deedes, elcripts, and wittings concerning the pzemisses mentioned in this answer as the said defendant hath concerning the same, be the said defendant doth detaine and keep them so the preservation of the right, title, and interest that he hath to the same as well and lawfull is so him to doe. And furthermoze the said defendant saith, that as to any other deedes, euidences, wittings, and muniments concerning the residues of the said lands and tenements specified in the said bill of complaint, or any parcell thereof in W. aforesaide, which do concerne the interest, inheritance, and title of the said complainant, the sayd defendant answereth and saith, that he doth not withhold any, nor yet at any time hath withholden from the said complainant any such as by the said bill is vttruly supposed, without that, that the said Jo. W. of C. named in the sayd bill was seised in his demesne as of fee of or in the sayde messuage, garden, or croft mentioned in the said bill or any parcell thereof, set, lying, and being in D. aforesaid or y the said Jo. W. or his ancestors whole heire he to did continue peaceable possession of the pzemisses by the space of 100. yeres and aboue as by the saide bill of complaint is vttruelly

vntruelly surmised, oꝛ that the said Jo. so being thereof seised foꝛ certayne sums of money, did bargain oꝛ sell, oꝛ might lawfully bargain and sell the pꝛemises contained in the said Answer oꝛ any part thereof, set, lying, & being in D. oꝛ the Lordship of þ same, to the said complainant & his heires as by the said bill it is in like manner vntruelly alleadged and supposed. D; that the saide Jo. befoze the Justice of Assise of the said Countie of C. did leuie a fine *sur conscience de droit* of the saide mease & other the pꝛemises mentioned in the said answer, oꝛ of any parcell thereof vnto the said complt, as by the saide bil is also vntruelly surmised: oꝛ that by the said supposed fine the said Jo. did knowledg oꝛ might lawfully knowledg the said mease and other the pꝛemises contained in the said bill to bee the right of the said complainant, as those which the said complainant had of his gift as it is in like maner vntruly supposed, oꝛ that by foꝛce thereof the said complainant entred oꝛ might lawfully enter into the said mease and other the pꝛemises in this answer mentioned, oꝛ that hee was thereof lawfully seised in his demesne as of fee, as by the said bill it is also vntruelly surmised, and without that that any other matter oꝛ thing alleadged in the said bill materiall to be answered vnto, which here in this answer is not confessed and auoided, denied oꝛ trauesed, is true. All which matters this defendant is ready to auerre and pꝛoue as this Court shall award, & pꝛaith to be dismissed out of this Court with his costes and expences in this wꝛongfull veration sustained.

R. Ge.

The Replication of H.S. to the answer of Sir T.H. Knight.

The said complainant saith, that the said bil of cōplaint is true, certaine, and sufficient in the law to be answered vnto, and not imagined and set foꝛth by the said complainant of malice, oꝛ wꝛongfully to put the said def. to costs, laboꝛ, oꝛ expences, foꝛ the said complainant auerreteth his said bil of complaint and euerie thing therein contained to be good and true in manner and foꝛme as in the said bill of complaint is alleadged, without that, that the late King Henry the eight named in the said answer was seised in his demesne as of fee as in the right of his Crowne of and in the saide mease, garden, orchard, and croft, containing by estimation two acres of land lying in D. parcell of the lands and teneiments mentioned in the said bill of complaint, as parcell of the mannoꝛ and Lordship of D. in the said Countie of C. oꝛ that the said mease, garden, orchard, and croft, oꝛ any part oꝛ parcell thereof is oꝛ at any time was parcell of the same mannoꝛ, oꝛ that the saide late King by his letters patents gaue and granted vnto the saide defendant and his heires foꝛ euer the said mease, garden, orchard, and croft,

Secſ. 181.

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croft, or that the said late King Henry the 8. did or might lawfully give the said meale, garden, orchard, and croft unto the said defendant, or y^e the said meale, garden, orchard, and croft, did or might lawfully passe or come unto the said defendant by the said grant, if any such grāt had bin as there was not indeed, or y^e the said def. by force of any such grant or letters patents entered into the premises last before mentioned, and was thereof seised accordingly, or did or might lawfully take the issues and profits thereof by force of the same letters patents, or that any other thing ec. All which matters the said def. ec. And praieth that it may be ordered by this hon. Court, that the said compl^r may quietly enjoy h^e lands & tenements mentioned in the said bill of compl^r, without let, suit, vexation, or impediment of the said def. or of his heires, or any other pers^{ns} or pers^{ns} by his or their consent, aide, title, or procurement.

A Supplication exhibited by a Scot to the privie Counsell (his suit being commenced to the Queene by letters from the King of Scots) robbed by Pirats upon the Sea, who desireth a Commission to examine witnesses to prove the Piracie.

To the Right H. the Lords & others of her Maiesties
honorab^{le} privie Councell.

Se^{ct}. 182.

Most humbly beseecheth your good L^{ds}, your distressed Suppliant
G. P. of the towne of Leth in Scotland, being lately robbed and
spoiled by certain English pirats upon the Seas of all his goods to the
value of 400. £. or thereabouts, as by certaine proceedings in y^e court
of the Admiralty plainly appeareth, and so; that this cause hath bene
commenced to her Maiestie by the L^{ds}. of Scots his letters, your L^{ds}.
ships maye suppl^r therfore hopeth the rather to be relieved in any of his
reasonable & conscionable suits & requests at your ho. hands. It may
therfore please your good L^{ds}. to tender and pity the case of your said sup-
pliant, & to grant unto him your hon. letters of Commission to be dire-
cted to the Shal^r of the towne of L. in the county of P. and other Justices
of peace and Aldermen of the said towne, giving them Authority
therby to call before them the persons whose names be subscribed, & to
upon their ojs^oal othes to examine them upon such questions or inter-
rogatories as upon your said suppl^r behalfe shall be ministered unto the,
& to certifie their sayings & depositions touching y^e premises unto your
good L^{ds}. under their h^{ds} & seales, w^{al} convenient speed they may. And
your good L^{ds}. maye suppl^r shall daily pray to God for the preservation of
your good L^{ds}. in all health & honor long to continue.

A. B. }
C. D. } the witnesses.
E. F. }

The indorsement of the Supplication.

13. Decembr' 1600.

The humble petition of G. P. of Leth in Scotland.
And then endorse the contents of the petition.

A Supp.

A Supplication by two maymed soldiers, to haue the Countesse licence to beg or to haue some maintenance allowed them for their present stay and reliefe, untill two Almes roomes which the Quene in reuerſion do become void.

To the Right Ho. the Lords, &c.

Humble ſhew and beſeech your good Lo. your verie poye and hum- Sect. 183.
ble Suppliants A. C. and B. C. That whereas in conſideration of the ſundry maines and hurts of your ho. Suppliants in her Maie- ties ſervice, it pleaſed her highneſſe of her moſt gracions diſpoſition & pitifull conſideration of vs, to giue and beſtow upon vs the reuerſion of two ſeverall Almes roomes in the Hoſpittall of S. in the city of Lon- don during our liues when the ſame ſhall become voide, the which be yet full, and after their deaths which now be in the poſſeſſion of the ſame diuers reuerſions are graunted to ſeverall perſons of the ſame, by reaſon whereof your Lordſhipps poye Suppliants are neuer likely to enjoy the ſame roomes for their reliefe and ſuſtenance. In conſiderati- on whereof, and ſo that your hc. ſaid Suppl be in verie poye and weak e- ſtate by reaſon of their ſaid maines and hurts, & greatly indebted to di- uers perſons, being charged with wines and many children, not having any thing now left them to maintaine, helpe, or relieue theſelues wthall in this their great pouertie and extremitie, but are ready to periſh for lacke of ſuſtenance and other meanes. It may therfore pleaſe your good L. & premiſſes being by your H. tenderly conſidered, to grant unto your L. poye Suppl for their preſent ſtay, reliefe, & comfort, your H. licence, for the taking and receiuing of the Almes, and charitable beneuolence of the well diſpoſed perſons throughout the whole Realme, untill the ſaid Almes roomes ſhall become void, or ſome other prouiſion or main- tenance for the reliefe of their preſent neceſſitie, ſuch as to your ho. ſhall ſeeme meet & conuenient may be had and made, & your ſaide poye ſuppl according to their bounden duties will pray to God for your good L. in all health and hono^r long to continue.

A Supplication by a Merchant ſtranger, who hauing beene before called in- to queſtion for coſening of one in a barter of Pearle for Cloth, who deſireth the ſame may be examined & ended by Aldermen of London and other aſſi- ſtants of ſkill and iudgement: And that if they cannot agree, ſh^t the Lord Maior of London to be umpire betwixt them, or elſe that the ſame may re- ceiue a trial in any Court of Juſtice within the realm, and that in the mean- time his libertie may not be impached.

To

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To the right Honorable the Lords &c.

Sec. 184.

If all humbleness beseecheth your honorable god Lordshippe J. C. of the citie of London Merchant stranger. That whereas R. S. of same citie Merchant-taylor hath sundry times complained unto your Honour that your sayd Suppliant had colensed him in delivering pearls for 285. pounds, which were not worth 20. l. in consideration of a barter of cloth delivered to your Lordships Suppl, whereupon it pleased your Lordshippe to grant your warrant for the bringing of the saide Suppl and his aged father before your god Lordship to answer to the saide supposed colenage objected against them, which they have already in some sort answered, according to the shortness of the time. But soasmuch as for the full and plaine discoverie of the said pretended colenage, wherewith your Lordships saide Suppl is charged by the said R. S. it seemeth requisite that y whole proceedings in the said barter or contract were thoroughly examined by some Aldermen of the Citie of London, calling unto them for their assistance therein two of the Dutch Church, of sufficient iudgement and skill in such cases to bee indifferently nominated by your saide Suppliant & the said R. S. it may therefore please your god Lordshippe to give full power and authoritie by your hon. letters to Alderman S. and E. D. one of the Dutch Church chosen by your saide Suppliant (if so it may stand with the liking of your god Lordshippe) being of iudgement and skill, and very wise and discreete men, and so another Alderman of the said Citie, and any other of the sayde Dutch Church to bee likewise nominated and appointed by the saide R. S. who may examine and trie out the truth of the saide supposed colenage: And that it may also please your god Lordshippe that the Lord Mayor of the sayd Citie of London may bee by your Honour nominated and appointed to be umpier in the said cause for the finall ending thereof, if it should so happen & fall out that the saide four persons should not fully end the same cause betwixt the said parties touching the sayde supposed colenage, to the which arbitrement and umpirage your saide Suppliant will willingly submit himself to stand unto and performe. And if the said cause cannot by the sayde arbitratores or umpiers receive a full and final end through the wilfulness or forwardness of the sayde R. S. according to the charitable and honest intent and purpose of your Lordships saide Suppliant. When your saide Suppliant humbly beseecheth your hono that it may be ordered by your god Lordship that the said cause may receive a short, speedie, bright, & indifferent triall at the common lawe in what Court it shall please your god Lordshippe to appoint. And so that your sayd Suppliant doubeth least by the practise of the
said

said it: His liberty may be impeached befoze the saide supposed case maye maye be fully tried and ended, the petitioner therfore humbly beseecheth your god L^o. that by your L^o. order his poze aged father may be protected and defended from arrests or other trouble or molestation, untill the said cause shal receive a full and final end, and your said suppliant shall daily pray to God for ec.

A Supplication by an Innkeeper imprisoned for treason upon counterfait letters from the privy Counsell, who being therof afterwards discharged by letters from the Counsell, had severall actions of debt laid upon him before his enlargement. And afterwards was from thence removed to the Fleete, & there remaining for his debt, praisth that he may complain of abuses offered to him & to detect others of offences & misdemeanors by thē committed. And also to write letters to the Commissioners for prisoners for debt in the Fleete, to compound all causes betwixt him and his creditors.

To the right Ho. the Lords &c.

Humbly sheweth and complaineth unto your god L^o. your poze Sect. 185.
 Suppliant and daily Prisoer J. W. of S. now prisoner in the Fleet, That where about the moneth of Septemb. last past in the 32. years of her Maesties raigne, one W. P. brought to the said towne of S. certaine counterfeit letters vnder the names of the L^o. Chancelor, L^o. Treasurer, and others of her Ma. most hon. privie Counsell to commandment to J. W. then Prisoer of the said towne of S. by vertue of the sayd letters, to apprehend and take your saide suppliant vpon suspicion of treason, and commit him to close prison, with heauie irons to be laid vpon him, the which said Prisoer executed accordingly, where your said suppliant so continued by the space of 5. weeks. And your suppliant being so imprisoned, required the said Prisoer that the saide W. P. might be stayd, so that he in the same yere had counterfeited certaine other letters vnder diuers of your L^o. hands, but the saide Prisoer refused to stay him because he came with your L^o. letters to him (as he supposed) so the said W. P. departed, leaving your said suppl in close prison. Whereupon your saide poze suppliant sent one to acquaint your Ho. with his poze distressed case, for redresse and reliefe from your god L^o. therein, who thereupon receiued your Hon. letters in your suppliants behalfe, directed vnto the said now Prisoer of the saide towne of S. for his enlargement of his said imprisonment. But your L^o. said letters notwithstanding, your poze suppliant was not set at libertie, but detained in prison by the space of 8. daies after your L^o. letters were deliuered vnto the said Prisoer, by meanes whereof there was one execution for debt, & diuers other actions of debt laid vpon him to the utter vndoing of him, his wife, and 8. poze children, your suppliant being a poze Inholder in the sayde towne of S. and hauing no other trade or lining or meanes
 P p. j. to

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to maintain himselfe & his poore family, by reason of which said vntre
 slander of suspicion of Treason, and of his long imprisonment of seuen
 months or moze, he hath lost his accustomed guests being many, which
 vsed to come to his said house, & say it therfore please your god L. the
 pmisses being by your H. tenderly considered, and for that your sayd
 poore suppliant vpon his remone to the prison of p. Fleet, entred into bod
 to appeare before your god L. at what time soeuer it should please your
 H. to appoint him so to do, to admit your said Suppliant to complaine
 before your H. of diuers wrongs and abuses offered & done vnto your
 poore suppliant, as also to discouer and detect the said W. & some others
 his confederats of very lewd partes and offences committed by them:
 And also p. it will please your H. to grant your letters to p. commissioners
 for poore prisoners for debt in the Fleet, for the speedy composing and
 ending of all causes betwixt your said suppliant & his creditors, & your
 said suppliant as he is most bounden shall daily pray for your Ho. god
 Lo. in health and in honour long to continue.

*A Supplication containing that vpon a former supplication the Counsells let-
 ters were directed to a Knight & others of the country where both the par-
 ties dwelled, to heare and end a cause, being a master of account, wherupon
 the knight & the others first wrote their letters to the parties. & they not
 comming before them, vpon their letters they did thereupon by vertue of
 the Counsells said letters sent their precept vnto them, commanding them
 to appeare before them for ending of the sayd cause, who refused to come be-
 fore the, the which his contempt was by the sayd knight & c. certified to the
 Counsell against them. And now the petitioner prayeth the Counsells war-
 rant to bring the parties before the sayde knight & c. for the ending of the
 said cause, and if the said parties wilfully refuse to stand to and obey their
 order, then to commit them to the Gaole, there to remaine vntil they will be
 contented to obey and performe the same.*

To the right Ho. the Lords &c.

Sect. 186.

Humbly sheweth vnto your god L. your humble Suppliant **J. C.**
Clothier, & whereas vpon a former petition exhibited vnto your
 god L. declaring the iniurious, vncōscionable, and sinifter dealings of
 one **W. J.** and **J.** his son, touching a matter of debt and account, which
 was by your said suppliant fully satisfied: Yet continued they suite a-
 gainst your said suppliant for the space of seuen yeares together only of
 purpose & malice, to the end to molest, trouble, & impoverish your said
 suppliant, as by diuers certificates then to your H. by your sayd sup-
 pliant shewed did fully and at large appeare, as also the lewd & euil cō-
 uersation and demeanour of the said **J. D.** duly certified vnto your god
 Lo. by the towne of **C.** in the County of **S.** vnder the common Seale of
 the

the same to one: whereupon it pleased your good L^o. to direct your Honorable letters vnto Sir C. L. of A. in the said county of S. Knight, and others, to call befoze them the said L. P. & all other persons whom that matter did in any wise concerne, and that vpon due hearing and examination of witnesses vpon both parts to be produced to proceed to the finall ending and determining thereof, according to equitie and conscience, and therupon the said Commissioners according to your Lordships said letters of Commission sent first their letters, requiring them to come befoze them for the ending of the said cause: and so that they did not appeare befoze them vpon their said letters, they the adressed vnto them their precept, requiring and commaunding them & euery of them by vertue of your Honors said letters of Commission to them directed, to come & appeare befoze the for the ending of the said cause, both which letters & precept were deliuered by one A. B. vnto y^e said L. P. who was the principal molestor & troubler of your suppliāt in these causes, who albeit he had receiued the said letters & precept, yet that notwithstanding he would not appeare befoze the said Commissioners, but contemptuously by his letters to y^e Commissioners refused to appeare befoze them either vpon the said letters or the precept from the said Commissioners, as by a certificat from the said Commissioners ready to bee shewed vnto your good L^o. may appeare, to the great derogation, & contempt of your good Lordships. May it therfore please your H^o. for the biding and checking of such dissolute, scoward, & wilful obdinate, to y^e terrifying of such like disobedient persons, to graunt vnto your said suppliāt your L^o. warrant to be directed vnto the Sherife of the sayd Countie of S. to bring y^e said L. P. befoze y^e said Commissioners at such day, houre, and place, as by letters from the said Commissioners to the said Sherife shalbe assigned or appointed: And that if y^e said L. P. being so brought befoze the said Commissioners, shal wilfully refuse to obey and performe such order, end, and determination, as the said Commissioners shall think good to set downe therein: That the said Commissioners may haue full power and authoritie to commit the said L. P. to the Gaole within the said county, there to remaine vntill he will yield to performe & obey the order and determination of the said Commissioners, or that your good L^o. shall giue order and direction for his deliuerie out of prison. And your said suppliāt shall daily pray for the preferuation of your good L^o. in all felicitie and happynesse long to continue.

A Supplication by one for himselfe and for eight other prisoners indicted of murder in Wales (wrongfully as they pretend) containing a former Supplication, whereupon the Council ordered, that they should receive their tryals vpon the sayde Indictment of life and death in the

Countie of Salop, and not in the Countie of M. where they were indicted, praying that they might be bailed, for that hee was a freeholder of good worth, and able to put in good suretie, that the Counsell would be pleased to give order by their letters to the Lo. President & Counsell in the marches of Wales for the bailing of them.

To the right Ho, the Lords &c.

Sept. 187.

Most humbly enforzeth your good L. your humble suppliant and daily M. Jato; C. D. of the Countie of C. for himselfe & 8. others, now prisoners in the gaole of P. for a supposed murdering of one P. C. who died about Pentecost last past: That whereas upon some so dauns heat of words variance hapning to grow betwixne the same P. C. and your said suppliant L. in the said countie of C. upon the 28. day of May last past, about the hauing vp of a writ of Capias, with a fee so; merly giuen for the executing of the same writ, at which time by hard hap a stander by giuing a light blow to the said P. C. with a stone vpon the head, wherof he neuer lagnished so much as one houre in outward apparance, neither did his Chirurgion conceiue any danger to be therin, but the said P. C. travelled afterwards without thew of griefe from place to place about his affaires into foraine countries, vsing all exercises & disports of pleasure, & afterwards vpon the 10. day of June, through sickness died in the said county of P. In which county of P. by sauo; of the kintred & allies of the said P. C. your suppliant & 11. others were vnnikly indicted for the death of the sayd P. C. as for murder, although there were no manner of malice betwixt your L. said suppliant and the said P. C. before the said hurt of him the sayd P. C. but great good will and liking betwixt them. For the same night that the said P. C. was hurt as is afo;esaid, he had appointed to lie at your L. said suppl house, wherupō your good L. said suppl being an humble suitor to your P. for redresse of the said hard measure, it pleased your good L. in your very ho. consideration by order from your L. to appoint the triall of your said suppliant, and the other 8. indicted persons at the Assises to be holden for the said county of Salop, as a place more indifferent & fit for the same, and yet neuertheles, your said poze suppl and the rest remain in prison and cannot be bailed, albeit very good & sufficient baile haue been by your L. suppl diuers times offered not only for himself, but also for y rest of his people, being indicted & imprisoned, And for y your P. sayd suppl is a freeholder, of credit & worth, wel able to find very good & sufficient suretie for his owne baile and his said people to appeare & answer to the said indictment against them before the C. u. P. a. Justices of Assise for y said countie of Salop, at the next assises to be holdē whin y said countie of Salop for the said countie. It may therefore please your good L. of your accustomed care and consideration of poze afflicted persons

for

for their reliefes, to giue such order and direction by your honours letters to bee directed to the Lo. President and Councell of the Marches of Wales, that your Lo. said Suppliant & his poze people may not onely receiue their said trial vpon the said indictment in the said County of Salop according to your good L. former order and directions therein, but also that they may be presently bailed vpon good and sufficient sureties to be of them taken by the said Lo. President & Councell for their personall appearance befoze the said Iustices of Assise for the said countie of Salop at the saide next assises to bee holden befoze them for the same Countie, then and there to answer to the said indictmēt, and to receiue therein according to law, and iustice: And your said poze suppliāt shal pray vnto God for the long preservation of your good L. in health and much honour long to continue.

A Supplication to haue the Councils letters to two Baylifes of a Towne, to take vpon them the hearing of a controuersie of an Account, or else to appoint other two to do the same, and that they two appoint an umpier to end the matter. And if the said umpier cannot end it, then to certifie the Council of the state of the matter, and their opinions thereof, and in whom they conceive the fault to be.

To the Ho. the Lords &c.

In most humble and lamentable manner sheweth vnto your Honors. Sect. 188.
ble Lordshippes your poze Suppliant A. B. of C. in the County of P. Merchant. That whereas there are diuers matters of Account in question and controuersie betwixen your said poze suppliāt, and one D. B. of P. which will aske and require some long time & great charges to be prosecuted and determined by the due course of the common lawes of the realme, the which would turne to the vtter vndoing of your said suppliant, because he is now ready with his ship to depart towards the Straits, and therfoze very vncertain of his returne. It may therfoze please your good Lordshippes to grant your Ho. letters to be directed vnto the two Baylifs of great Parmonth, eyther to heare the sayd Account betwixt them, or else to appoint two other indifferent persons to heare the same, and that those two may of themselves appoint an umpier to end and determine the said controuersies, vnto the which if the said D. B. or your Ho. said Suppl^r will not yeld vnto, that then they may certifie vnto your good L. the state of the said controuersies betwixt them, with their opinions therein, and in whom they conceiue the fault to be. And your said poze Suppl^r shalbe bound during his life to pray for your good L. increase of hono^r, and perpetuall felicity.

¶ p. 14.

A

Supplications, Bills,

A Supplication of H.K. & E.M. beeing prisoners in the Fleet for misdemeanors sentenced in the Star-chamber to be enlarged of their imprisonment.

Sect. 189.

To the right Ho. the L. Keeper of the scale of England.
The Suppliants in Michaelmas terme last were sentenced for a Riot, and other misdemeanors, and A.B. the principal defendant was the also committed to the Fleet, and adiudged to pay to the A. 100. l. for a fine, and also to discharge the fines imposed upon such other of the said defend then likewise sentenced & fined as are not able to satisfie the same. Your L. said more suppl dwelling in the Countie of C. were brought up by the Wardens of the Fleets seruants, and are now likewise prisoners in the said prison of the Fleet for the said offences, where they haue already remained by the space of a fortnight & more in great misery and want, being very poore men & very aged, & hauing nothing at all wherewith to releue their great wants and necessities more the the bare allowance of the prison, being so small, as your poore suppl are ready to starue for want of meate, drinke, and other necessities, to the vtter ouerthrowing of them and their poore wives and children, with out it may please your good Lo. speedily to extend your commiseration and pitie vpon them in setting them at libertie.

A Supplication of a Prisoner in the Fleete, for misdemeanors censured in the Starre-chamber to be enlarged of his imprisonment, and to haue the benefit of a generall pardon, & to be discharged of one of his fines imposed vpon him.

To the Right Ho. Sir T. E. Knight, Lord Keeper of
 the great Scale of England.

Sect. 190.

In all humblenes W.A. a very poore aged man of 70. yeares old and more, now prisoner in the Fleete, humbly beseecheth your good Lordship, That where your suppl in the cause between A.B. and C.D. had in the Starre-Chamber two severall fines imposed vpon him for two severall misdemeanors, the one a fine of 100. l. & the other a fine of 20. l. and brought out of the Countie of C. by h seruant of the deputy warden of the Fleete to the prison of the Fleete, the 10. day of this instant June, being as he is informed discharged and freed from the sayde first fine of 100. l. and from imprisonment of his body by her Maesties most gracions generall pardon at the last Parliament, that it would please your good Lo. for Gods sake to yeld and allow vnto your Lo. saide suppliant the benefit of the said generall pardon for his said first time, and also in your ho. and mercifull regard of his great pouertie & miserie he now lieth in, to enlarge him of his said imprisonment, and to discharge him of the saide fine of 20. l. and to set it ouer vpon the head of the sayd

C.D.

C.D. according to an order therein taken: And also to order & appoint the said C.D. to pay your said suppliants prison charges, having bene drawn into the actiō by the said C.D. otherwise your Lordships p^{re}suppliant is viterly vndone for euer, and shal neuer be able to procure his liberty: but of force must perishe in prison: And your said p^{re}supp^t and his w^{re} wife & child^{re} shal daily pay for your L. god & honozable estate in all health and happines long to continue.

A Supplication of a prisoner in the Fleete for a misdemeanor censured in the Star-chamber to haue the benefit of a generall pardon, and to be discharged of his imprisonment and fine, and that in respect of his very poore estate his prison charges may be payd and discharged by one A.B. by whose means the Suppliant was drawne into the action.

To the right Ho. Sir T.E. Knight, Lord keeper
of the great seale of England.

Your Hon. very p^{re}suppliant H. S. being a very p^{re}supp^t old man Sect. 191.
of aboue 80. yeares olde, and weake and sickly, now prisoner in the Fleete, humbly beseecheth your Lordship, That where your p^{re}supp^t in a cause betwene A.S. and C.B. was fined in the Star-chamber at the summe of 5. l. and brought out of C. by the warden of the Fleetes seruants to the prison of the Fleete, the 20. day of this July, that hee may not only be freed and discharged of the said fine imposed vpon him, but also of his said imprisonment by force and vertue of a general pardon at the last parliament. And that your god L. wil be pleased for gods cause to yeld & allow vnto your p^{re}supp^t the benefit of the said pardon for his enlargemēt. And further that it wil please your god L. in regard of his great poverty beeing not able to relieue himselfe with sufficient meat and drinke, but is ready to starue for hunger for want thereof, to take such order that the said C.B. by whom your saide p^{re}supp^t hath been drawn to commit the said misdemeanor, may pay for your saide supp^t all his fees and charges of imprisonment, the which if he bee not compelled by your god L. to do, your said p^{re}supp^t is very likely to remaine languishing in prison al the daies of his life, without any hope euer to be deliuered thence. And your p^{re}supp^t will daily pay for your god L. &c.

The end of Bills and Answers &c.

Hitherto of Bills, Answers, Replikations, Reioinders, &c. and such other things as concerne the manner of proceeding in Chanceries suits, with some new additions vnto them added. Now of certain writs and commissions issuing thence, and there also returnable,

P. p. liij.

The

The manner of proceeding vpon a speciall Certiorari.

Sect. 192.

The partie grieved exhibiteth his bill, and by the same prayeth not only a speciall Certiorari, but also a Subp. against the defendant to answer to his bill, as appeareth by the last two bills. And if the Lord Chauncelloz, Lord Keeper, or Passer of the Rolls shal see good and probable matter in the bill, they vsually graunt the same, taking bond of the plaintife for the p^{ro}se of the surmises of his bill, within 14. daies after the return of his speciall Certiorari, which writ of Certiorari followeth in hæc verba.

Iacobus dei gratia Angliæ, Scotiæ, Franciæ, et Hybernæ Rex, fidei defensor &c. Maiori et Vicecom' Londoni salutē: Volentes certis de causis certiorari super causa captionis et detentionis R. S. in prison sub custodia vestra, vos pref. vicecomitē detenti, vt dicitur, vobis mādamus, quod causam pred' cum omnibus eam tangentibus quocunq; nomine idem R. in causa illa censeatur, nobis in Cancellariam nostrā in quindena Pasc. prox. futurū, vbicunq; tunc fuerit, sub sigillis vestris distinctē & aperte mittatis, et hoc breue: Teste &c.

And if the p^l doe not make p^{ro}se of the surmise of his bill, as aforesaid, then vpon certificat made vnder the hands of y^e examiners of this Court, & notice from the plaintifes Atturney, y^e he hath not examined any witnesses, either in this Court, or by Commission, then a Proceedendo is granted of course. But if there be witnesses examined, then to haue their examinations referred to a Passer of the Chancerie.

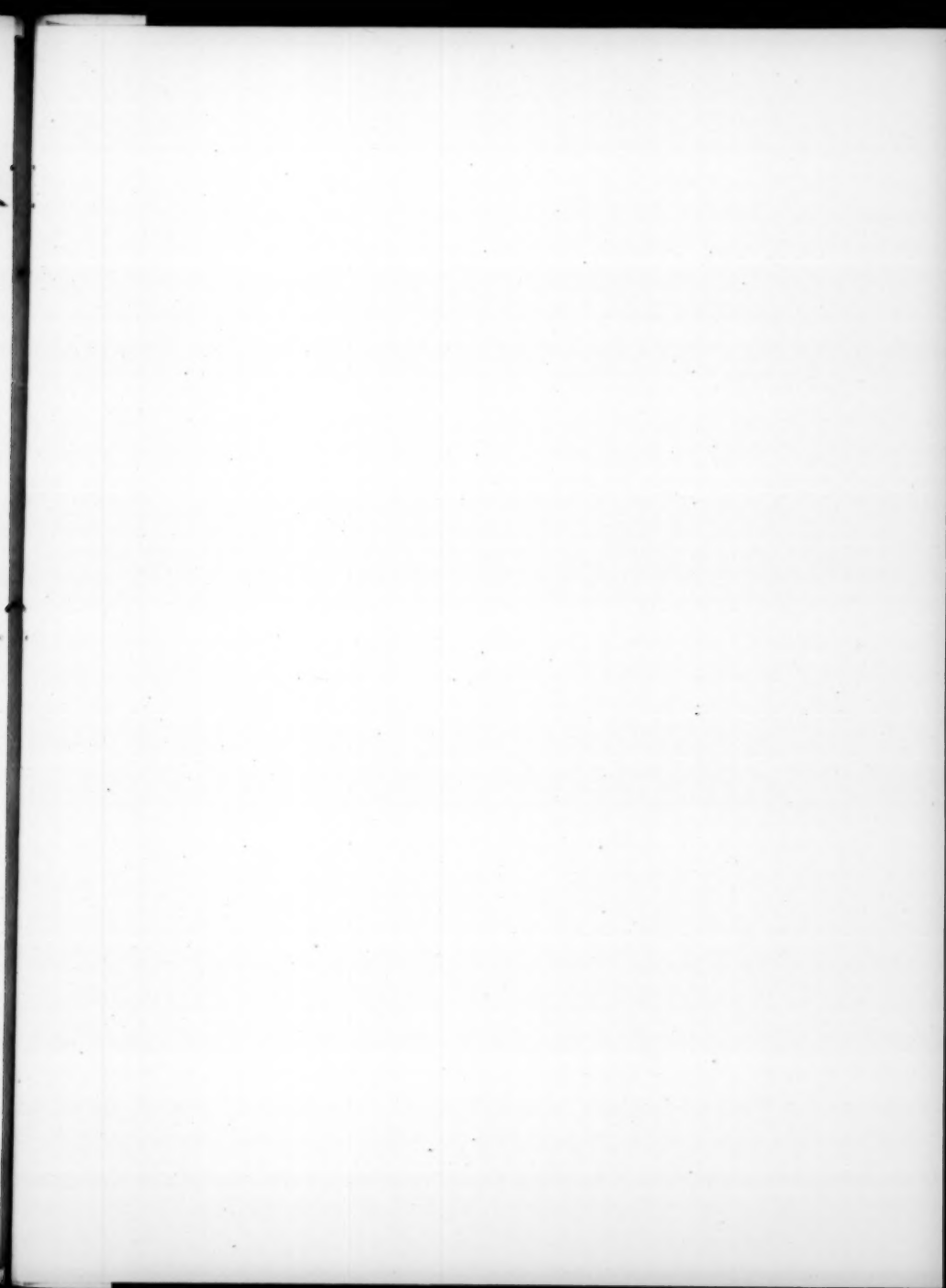
And if he find & so certifie, y^e the plaintife hath p^{ro}ued the substance of his bill, then the cause to be retained & ordered in this Court, if not, then a Proceedendo to proceed for the remaunding of the said cause.

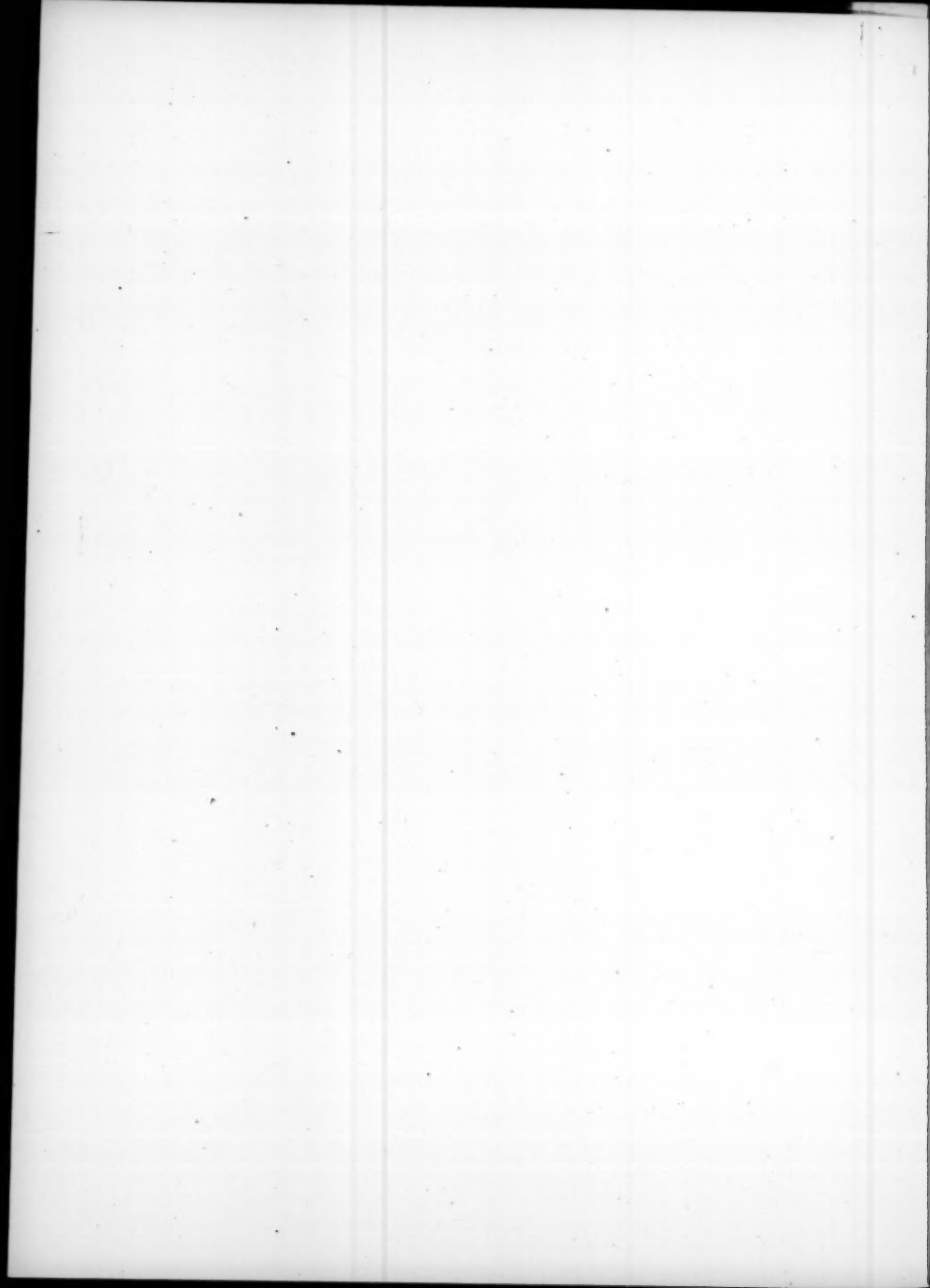
A Corpus cum causa to remoue a Prisoner.

Sect. 193:

Rex &c. Maiori et Vicecom' Lond' salutē. Mandam' vobis, quod R. S. quocunq; nomine censeat captū et in prison sub custodia vestra vos pref. Vicecom' detentū, vt dicitur, habeatis coram nobis in Cancellaria nostra tali die prox. futurū, vbicunq; tunc fuerit, vna cum causa captionis et detentionis ipsius R. in prisona p^od'. Et hoc nullatenus omittat. Et habeat ibi hoc breue. Teste &c.

This writ is graunted by the Lo. Chauncelloz, L. Keeper, or Passer of the Rolls, for the most part vpon a Bill exhibited, and good baile put into the Court for the parties apparance and sozth comming, dedie in diem, or further time, as the Court shal thinke fit, whereby many of her Maiesties subjects are very much relieved in harde and extreme causes, lying oftentimes in prison vpon great actions surmised against





against them, without iust cause, & thereby not able to put in such baile, as the common Law doth require in such cases.

Of a writ of Diem clausit extremum.

This writ is to bee sued forth by the heirs of the things tenant in chiefe, within a yeare after the death of his auncester, or a Commission of the same effect. And an Office of Inquisition being thereupon taken and returned, such heire may haue luerie of his landes out of the things hands, so; if the lands of such tenant errebe that yearelie value of v. l. no Luerie therof can be sued, befoze such inquisition or office found and returned by vertue of such writ or Commission. And such writ or Commission may not passe, but by warrant or bill, first signed & subscribed with the hands and names of the master of the Wardes and Liveries, the Surueio; of the Liveries, and the Attozney of the Court of Wardes and Liveries, or some of them, 33. H. 8. ca. 22. The soyme of which writ insueth.

Seft. 194.

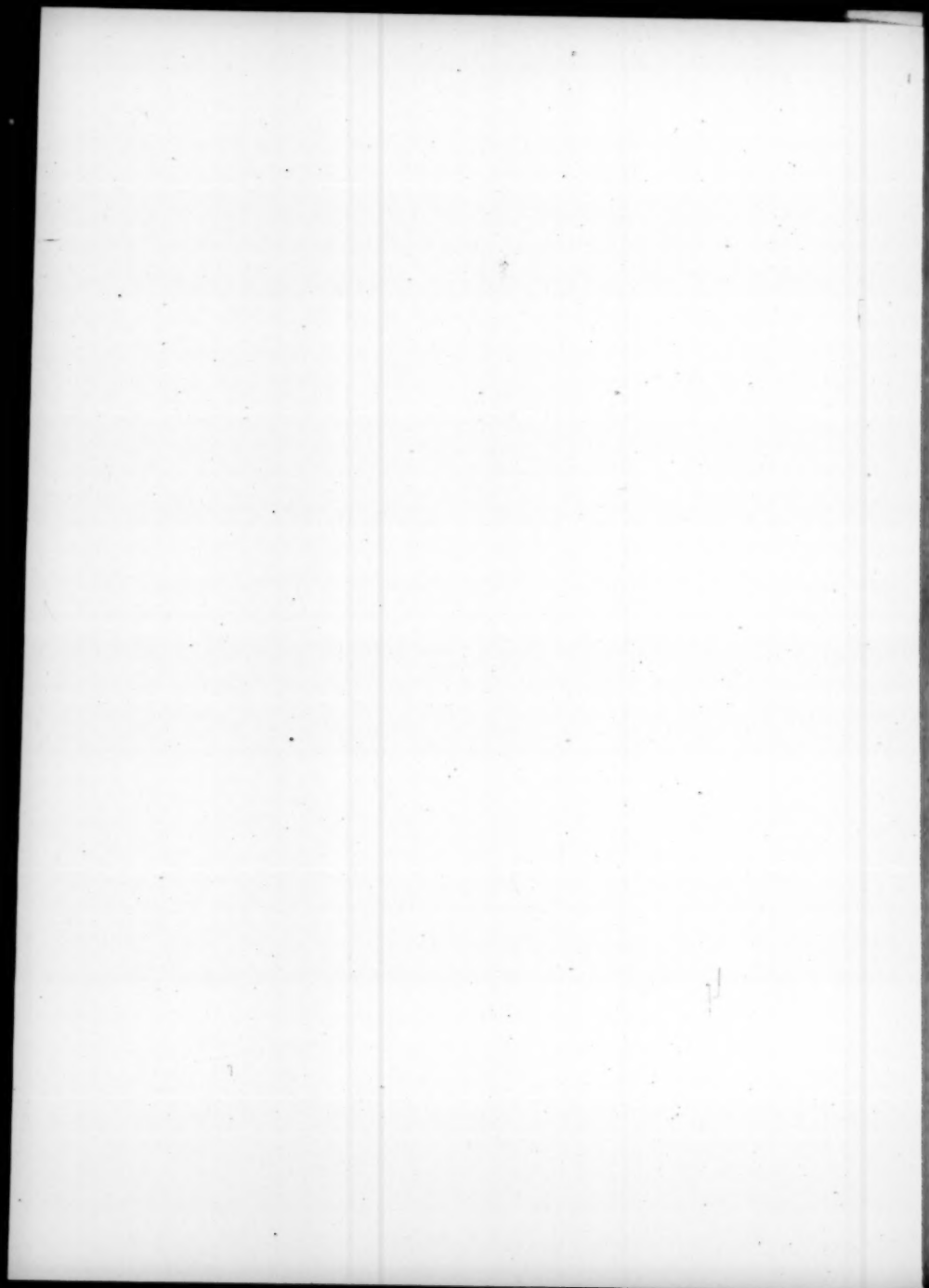
Rex Elchaetori in com' Eb. salutē. Quia I. qui de nobis tenuit in cap Diem clausit extrem', vt accepimus, Tibi p̄cipim', q' oīa terr' et tenēta de quibus idem I. fuit seifitus in dom' suo vt de feodo in balliuatua die quo obiit, sine dilatione cap' in manū nram, et ea saluo custodiri facias, donec aliud inde p̄ceperimus: Et per sacram' proborū et legalium homin' de eadem balliuatua, per quos rei veritas melius sciri poterit diligenter in-
~~quantum~~ quantum terrarum et tenementorum pred' I. tenuit de nobis in capite, tam in dominico quā in seruicio, in dict' balliuatua die dict' die quo obiit, et quātum de alijs, et per quod seruiciū, et quātum terr' et tenementa illa valeant per annum in omnib' exitibus, et quo die idē I. obiit, et quis propinquior hāres eius sit, et cuius ætatis. Et inquisitionē inde distinctē et appertē factā nobis in Cancellar' nostram sub sigillo tuo, & sigillis eorum, per quos facta fuerit, sine dilatione mita; &c. Et hoc breue. Teste &c.

But if one that holdeth of the Kings ward by Knights seruice die, the Diem clausit &c. must be thus:

Rex dilecto &c. Quia I. de S. qui de hāred' W. de O. defunct', qui de nobis tenuit in capite, infra ætatem, et in custodia nostra existens tenuit per seruic' Militar' Diem clausit extremum, vt accepimus, Tibi p̄cipim' quod omnia terr' et tenement' &c. per sacram' &c. quant' terrarum et tenementorum idem I. tenuit de hāred' predict'. Et quis propinquior hāres eius sit &c. vt supra.

And if the Kings ward be thus:

Rex &c. Quia R. de H. filius et hāres I. de H. defuncti, qui de nobis tenuit in capite, nuper dum infra ætatem et in custodia nostra fuit, Diem clausit extremum, vt accepimus, Tibi p̄cipimus, quod per sacramentum



againſt them, without iuſt cauſe, & thereby not able to put in ſuch baile, as the common Law doth require in ſuch caſes.

Of a writ of Diem clauſit extremum.

This writ is to be ſued ſozth by the heirs of the things tenant in chief, within a yeare after the death of his aunceſter, or a Com-
miſſion of the ſame effect. And an Office or Inquiſition being there-
upon taken and returned, ſuch heire may haue luerie of his landes out
of the things hands, ſoz if the lands of ſuch tenant errede that yearelie
value of v.l. no Luerie therof can be ſued, beſoze ſuch inquiſition or of-
fice found and returned by vertue of ſuch writ or Comiſſion. And ſuch
writ or Comiſſion may not paſſe, but by warrant or bill, firſt ſigned &
ſubſcribed with the hands and names of the maſter of the Wardes and
Lueries, the Surueioꝝ of the Lueries, and the Attoꝛney of the Court
of Wardes and Lueries, or ſome of them, 33. H. 8. ca. 22. The ſozme of
which writ inſueth.

Rex Eſchaetori in com' Eb. ſalutē. Quia I. qui de nobis tenuit in cap
Diem clauſit extrem' vt accepimus, Tibi ꝑcipim', q' oīa terr' et tēta de
quibus idem I. fuit ſeiſitus in dom' ſuo vt de ſeodo in balliua tua die quo
obiit, ſine dilacione cap' in manū nſam, et ea ſaluō cūſtodiri facias, donec
aliud inde ꝑceperimus: Et per ſacram' proborum et legahum homin' de
eadem balliua tua, per quos rei veritas melius ſciri poterit diligenter in-
quis, quantum terrarum et tenementorum pred' I. tenuit de nobis in
capite, tam in dominico quā in ſeruicio, in dict' balliua tua dict' die quo
obiit, et quātum de alijs, et per quod ſeruicium, et quantum terr' et tene-
menta illa valeant per annum in omnib' exitibus, et quo die idē I. obiit,
et quis propinquior hæres eius ſit, et cuius ætatis. Et inquiſitiōē inde di-
ſtinctē et appertē factā nobis in Cancellar' noſtram ſub ſigillo tuo, &
ſigillis eorum, per quos facta fuerit, ſine dilacione mitta. &c. Et hoc bre-
ue. Teſte &c.

*But if one that holdeth of the Kings ward by Knights ſervice die, the Diem
clauſit &c. muſt be thus:*

Rex dilecto &c. Quia I. de S. qui de hæred' W. de O. defunct', qui de
nobis tenuit in capite, infra ætatem, et in cuſtodia noſtra exiſtent tenuit
per ſeruic' Militar' Diem clauſit extremum, vt accepimus, Tibi ꝑcipim'
quod omnia terr' et tenement' &c. per ſacram' &c. quant' terrarum et ten-
torum idem I. tenuit de hæred' predi' Et quis propinquior hæres eius
ſit &c. *vt ſupra.*

And if the Kings ward, Thus:

Rex &c. Quia R. de H. filius et hæres I. de H. defuncti, qui de no-
bis tenuit in capite, nuper dum infra ætatem et in cuſtodia noſtra fuit,
Diem clauſit extremum, vt accepimus, Tibi ꝑcipimus, quod per ſa-
cramentum

Diem clausit extremum.

cramentum &c. inquiras, quæ terræ et quæ tenita, per mortem p̄d I. H. ratione minoris ætatis hæc p̄d I. ad manus n̄as deueniēt, & sic in man⁹ nostræ existit, et quantū inde de nobis tenetur in capite, & quantū de alijs, & per q̄ seruitium, et quantum &c.

But if the wife of the Kings tenant which holdeth the dower die, his heire being the kings ward, then the Diem clausit extremum, must be made thus:

Rex dilecto sibi N. de B. Maiori ciuitatis suæ London, et Eschaetori suo in eadem ciuitate salutem, Quia E. quæ fuit vxor I. de B. nuper defunctæ, quæ quasdam terras et quasdam tenementa de nobis tenuit in dotem de hereditate predictæ I. quondam viri sui, Diem clausit extremum, vt accepimus. Tibi precipimus, quod omnia terras et tenementa, quæ eadem E. sic tenuit in dotem de hereditate predicta in balliua tua &c. per sacramentum &c. diligenter inquiras, quas terras & quæ tenementa ead. E. sic tenuit in dotem de hereditate predictæ in balliua tua, die quo obiit, & quantum inde de nobis tenetur in capite, & quantum de alijs, & p̄ q̄ seruitium &c.

If the King haue the wardship of a reuerſion, & the tenant for life die, then thus:

Quia A. quasdam terras & quædā tenementa de hered. E. consanguinei & hered. H. de P. defuncti, qui de rege tenuit in capite, infra ætatem & in custodiā reg. existē tenuit ad terminū vitæ suæ, Diem clausit extremū &c. tibi precipimus &c.

After the death of the tenant by the Curtesie, thus:

Quia A. qui qualdā terras et quædā tenita de nobis tenuit p̄ legē Angl. de hered. M. vxoris suæ dudum defunctæ, Diem clausit extremū, tibi precipimus &c.

But if the King haue a remainder, and his tenant for life dieth, then must the writ be thus:

Quia A. quæ fuit vxor &c. qui quasdam terras & quasdam tenementa tenuit ad vitam suam & quæ post mortem ipsius A. nobis et hered. nostræ remanere debent, Diem clausit extremum &c. Tibi precipimus &c. qui eadem sic tenuit & quæ post mortē &c. remanere debent &c. vel sic, post mortē predict. B. ad manus nostras ratione minoris ætatis pref. hered. deueniēt &c.

But if the temporalties of a Biſh. be in the Kings hands, & one that holdeth of the Biſhoprick by Knights service dieth, the Diem clausit extremū must be thus:

Rex &c. Quia A. qui de Archiepisc. Cantuar. vacante & in manu n̄ra existent tenuit per seruiciū militare, Diem clausit extremū &c. tibi precipiū &c. de quibus idem A. fuit seiscitus in domū suo vt de feod. &c. et tenuit de Archiepiscopo parū p̄d sine dilatione &c.

But

But if the Kings Ideot die, the writ must be such :

Quia B. de C. nuper fatuus et Ideota, cuius terræ et tenementa ratione fatuitatis eiusdem B. in manu nostra existunt, diem &c. ut accepimus, tibi precipimus, quod per sacramentum &c. diligenter inquiras, quæ terræ & quæ tenementa ratione fatuitatis predicti B. in manu nostram capta fuerint, & adhuc in manu nostra existunt, & de quo vel de quibus teneatur, & per quod seruicium, & quantæ terræ illæ valeant &c. et quis propinquus &c. & inquis. &c.

Datur nobis intelligi.

And if the Escheator receiue a Diem clausit extremum, and die, or be Sect. 195.
otherwise remoued from his office befoze execution thereof then it
sueth a writ of Datur nobis intelligi, in this forme:

Rex &c. Cum nuper datur nobis intelligi quod I. de I. qui de nobis tenuit in capite, Diem clausit extremum, preceperimus dilecti nobis W. de O. nuper Eschaetori nostro in com' predicta, quod omnia terras & tenementa &c. ut supra mutatis mutandis. Ac idem W. ab officio predicta iam sit amotus, per quod executio breuis nostre predicta fieri non potest: Nos super premissis volentes Certiorari, Tibi precipimus, quod per sacramentum &c. diligenter super premissis facias inquisitum, & eam distincte &c. Teste &c.

Or thus.

Rex dilecti &c. Cum nuper datur nobis intelligi, quod I. de B. qui de nobis tenuit in capite, Diem clausit extremum, preceperimus dilecti et fideli nostro H. de B. nuper Eschaetori nostro in eodem com', quod omnes terras &c. sine dilatione caperet in manu nostram &c. donec aliud inde precepissemus, & per sacramentum &c. inquireret, quæ terræ &c. ut in primo breui. Ac idem H. antequam predicta breue fuerat executum, ab officio predicta fuerat amotus: Nos volentes super premissis plenius Certiorari, tibi precipimus, quod super articulis predicta et eorum singulis diligenter facias inquisitum, et eam distincte & aperte faciat &c. ut supra &c.

But if the first Escheator execute the writ, and die befoze he inquisition be returned into the Chancery, then a Certiorare shall be awarded to his executors, or administrators to certify the same inquisition, for it is a matter of Record so soon as the Juries have found & sealed it.

Of a Mandamus.

If the Kings tenant by knights service die, his heire within age, or Sect. 196.
no writ of Diem clausit extremum be awarded within a yeare after his death, then shall issue a Mandamus in this forme,

Rex

Commissionis. Quæ plura.

Rex dilecto sibi W. de B. Eschaetori suo in com B. Salutē. Præcipim⁹ tibi, q̄ per sacram probor & legalium homin⁹ de balliua tua, p̄ quos &c. diligenter inquiras, quas terras & q̄ tēnta I. de B. tenuit de nobis in capite, tam in dñico quam in seruitio in balliua tua die quo obiit, & quantum de alijs, et per q̄ seruitium, & quantum terræ & tēnta illa valeant per annum in omnibus exitibus, & quo tēpore idem I. obiit, et quis propinquior &c. et cuius ætatis, & quis vel qui terras et tēnta illa à tempore mortis pred⁹ occupauit vel occup⁹, et exitus et p̄fici⁹ inde p̄cepit vel p̄ceper⁹, quo titulo & qualiter, et quo modo &c. Et inquisit⁹ &c.

Sect. 197.

The heire shal haue but one wryt of Diem clausit extrem⁹ only with in a yere after his ancestoꝝ death: But where thācestoꝝ died ward to the King and within age, soꝝ then a new Diem clausit extrem⁹ shal bē awarded a yere after the Infants death, and not a Mandamus, per Regist. fol.

Of Commissions after the death of the Kings tenant.

Sect. 198.

Also the heire of the Kings tenāt by Knights seruice in chief, may sue forth a special cōmission, directed to certain persons, to inquire what lands &c. (as about in a Diē clausit extrem⁹) which cōmission will be as beneficial soꝝ the heire, as a Diē clausit extrem⁹: soꝝ vpon Inquisition taketh by such a Commission, retōznable into the Chancery, he may haue liuerie at his full age. But he shall neuer haue liuerie vpon a generall Commission to enquire of all Wards &c.

Quæ plura.

Sect. 199.

This wryt lieth when any of the heires landes be omitted in a soꝝmer office oꝝ inquisition, to find the land so omitted, & is such.

Rex Eschaetori suo &c. salutē. Quia datum est nobis intelligi q̄ A. defunctus qui de nobis tenuit in capite, tenuit die quo obiit plura terras & tēnta in com p̄d⁹, quam tu in inquisitione inde post mortē p̄d⁹ A. de mandato nostꝝ cap⁹, et in Cancell⁹ nostꝝ retornata specific⁹. Tibi p̄cipim⁹, q̄ per sacram proborum &c. inquiras quæ plura terras et tēnta idem A. tenuit in com p̄d⁹, die quo obiit, et de quo, vel de quibus illa plura terræ et tēnta teneantur, et per q̄ seruitiū, et quant⁹ valeant per ann⁹ in omnibus exitibus, Et inquisit⁹ &c.

Melius inquirendum.

Sect. 200.

This wryt lieth where an office found by vertue of a Diem clausit extrem⁹ oꝝ Commission is vncertaine in the tenure, value, oꝝ tenants

tenants estate of the lands, or otherwise. But if such incertaine office be found before the Escheator ratione officij onely, then it is void, and no Melius inquirendum shall thereupon be awarded. And the Melius inquirendum is such.

Rex Eschaetori suo &c. Salutem. Cum per quādam inquisitionem coram A. Eschaetore nostro in com' pred' de mandato nostro captam, et in Cancellariā nostra retornat' sit conpertum, q' N. defunctus tenuit diuersa terras et tēta cum pertiñ in comitatu pred', et quis propinquior hæres eiusdem N. sit ex parte patris sui, iuratores inquisition' pred' ignorāt: Tamen ex parte R. matris pred' N. filiz W. B. est eius hæres propinquior, et ætatis viginti et vnius annorum et amplius. Et quia in inquisitione pred' quis propinquior hæres ipsius N. existat minime specificatur tibi precipimus quod per sacrament' &c. inquiras, quis propinquior hæres pred' N. existat, qualiter et quo modo, Et inquisitionem &c. T. &c.

And this writ is grantable vpon sacmēt made in the court, that such former office is so incertaine, as is abovesaid.

Another Melius inquirendum post inquisitionem imperfectam.

Rex Eschaetori suo &c. Cum per inquisitionem coram te de mandato nostro &c. conpertum sit, quod A. tenuit die quo obiit vnum messuag' in N. in com' pred' de B. per seruitium militare, quodq; idem A. tenuit die quo obiit vnum tostum cum pertiñ in N. in com' pred', de hærede F. L. per seruitium militare, et quia in inquisitione pred' qualē statum et quale ius idem A. habuit in messuagio et tosto pred', seu de quo vel de quibus eadē messuag' et tostum teneantur minime specificatur: nos volentes inde per te plenius Cerciorari, tibi precipimus &c. inquiras, qualē statum, et quale ius idem A. habuit in messuagio et tosto pred' die quo obiit, et de quo vel de quib' messuag' et tostum pred' teneantur, et per quod seruitium, qualiter et quo modo. Et inquisitionem &c. T. &c.

Ans' de ætate probanda.

It behoueth the heire of the Quenes tenant in chief being in ward, at his full age, and before liucie, to haue a writ to the Escheator of the Countie where hee was bozne, to p'p'one his age. And it seemeth, that such a writ may as well be made to the Escheator of the countie where his land lyeth, so it may be he was bozn where the Kings writt runneth not: as in Ireland, Calice, Berwicke, &c.

Rex dilecto sibi I. de B. Eschaet suo in comitat' B. salutem. Quia A. de B. qui M. sororem, & vnam hæz R. defuncti, qui de domino Edw. nuper Rege Angliæ auo nostro tenuit in capite duxit in vxorem, dicit prefat' M. plenæ ætat' esse, & petit a nobis terras et teneamenta, quæ sunt de hæreditate

Seft. 201.

Actate probanda.

reditate ipsius M. & quorum vna pars in manu nostra, & alia pars in custodia I. de H. ex commissione dicti aui nostri vsq; ad legitimam ætatem hæred eiusdem existunt sibi reddend, per quod volumus, qd eadem M. quæ apud G. in com M. nata est, & in Eccles. eiusdem villæ baptizata fuit vt dicitur, ætatem suam probet coram te. Tibi præcipimus qd ad certum diem & locum, quos ad hoc prouideris, probationem illam per sacram tam milis quam probor & legalium hominum de balliua tua, per quos probatio illa capti, & veritat ætatis p̄d melius sciri poterit & inquiri, capias, & som. fac p̄f. I. quod tunc sit ibi ad ostendend si quid pro se habeat vel dicere sciat quare p̄d H. & p̄d M. vt illi qui plene ætatis est, si plene ætatis sit, terras & tēta p̄d reddere non debeamus, & probat illam sic captam nobis sub sigillo tuo, & sigillis eor p̄ quos capta fuerit, sine dilatauitas, & hoc breue. Teste &c.

Another forme of the writ De Actate probanda.

REx &c. Quia M. de F. fil' & hæz I. defuncti, qui de nobis tenuit in capite, dicit se plenæ ætatis esse, & petit à nobis terr' & tēta quæ sūc de hered sua & in custodia nostra, vsque ad legitimam ætatem hæred predicti sibi reddi, p̄ quod volum' quod &c. vsq; ibi melius sciri poterit & inquiri, capias, & tunc sic. Et probat illam &c. *vt supra.*

But if the King commit the Wardship, the Actate probanda must mention the same.

And if the Wardship by reason of the temporalties of a Bishoprick be in the Kings hands, the writ de Actate probanda must mention the same: And yet that is no court in capite.

Commission pro atate probanda.

REx dilectis &c. Sciatis quod assignauimus vos ad inquirend p̄ sacramentum tam Militum quam aliorum proborum & legalium hominum de vicines de N. in com' L. si I. fil' & hæres B. apud N. natus, et in Ecclesia eiusd villæ baptizatus fuit, & quod ratione minoris ætatis suæ in custodia nostra existit, plenæ ætatis sit, vt dicit, necne. Et ideo vobis mandauimus, quod ad certos diem & locum, quos ad hoc prouideris, inquisit illā faciatis, & illam distincte & aperte factā nobis in cæcellar' &c. sine dilacione mittatis, & hoc breue. Mandauimus enim Vice' nostr' Lincoln, quod ad diem et locum, quos ei scire faciet venire faciat &c. In cuius rei testimonium &c.

And vpon this Commission a writ shalbe sent to the Sheriffe to returne a panel before the Commissioners at a certayne day before them limited vnto him by their Decept. Thus:

A Venire facias to the Sherife upon the same Commission.

Rex Vice' &c. Præcipimus tibi, quod summoni per bonos summonif xij. tam Milites, quam alios probos & legales homines de visine de N. quos fing coram dilectis & fidelibus A. B. & C. & hijs quos sibi associaverimus, ad certos diem & locum, quos ijdē A. B. & C. tibi scire facient, parati sacrament' recognoscere, si F. filius & hæres C. apud N. natus, & in ecclesia eiusdem villæ baptiz. fuit, qui ratione minoris ætatis suæ in custodia nostra existit, plene ætatis sit, ut dicit necne, & interim ad p'd ecclesiam & villam accedant, ut veritatem ætatis p'd diligenter inquirent & nomina eorum imbreuiari faciant. Et sci. fa. E. & S. custodibus terr' p'ed hæt, q' tunc sint ibi ad audiend' illam recogn., & ad ostend' si quid obstare debeat, quare p'd l. terras & tēta sua habere non debeat, & habeas ibi nomina illorum duodecim & hoc breue, Teste &c.

¶ Whereby appeareth that the committee of the King shall be warned to bee there. But if the King have the Ward in his owne hands, then this clause Et scire facias E. & S. custodibus &c. shall be omitted in the writ.

Of Homage done or respited.

When a writ de Actate probāda is executed and returned, and that the heire hath proued his age, then he must do homage or agree with the king to respite the same, & pay relief before liuery sued: and a writ testifying homage to be done, when the heire is at full age at the death of his ancestors.

Rex Eschaetor &c. Sciatis quod cepimus homag' L. de H. filij & hæres B. de H. defuncti, de omnibus terris & tenementis quæ idem B. pater suus tenuit de nobis in capite die quo obiit, & ei terras et tēnta illa reddidimus: Et ideo tibi præcipimus, quod accepta securitatē præfat' L. de rationabili releuio suo nobis soluend', ad Scaccarium nostrum, eidē L. de omnibus terris & tenementis p'ed, & de quibus p'fat. B. pater su' fuit seifitus in dominico suo ut de feodo in balliua tua, die quo obiit, quæq; occasione mortis eiusd' B. cap' sunt in nuanum nrām, plenā seisinā habere facias: Saluo iure cuiuslibet, & salua Matildæ quæ fuit vxor B. rationabili dote sua, ipsam de terr' & tēntis p'ed, secund' legem & consuetudin' reg' nrī Angl' contingēt, ei per nos assignand'. Teste meipso, &c.

¶ But if the heire were in ward, and hath proued his age, the writ of the homage receiued must be thus.

Rex &c. Quia N. de E. Fil' & hæres R. de C. defuncti, qui de domino Edwardo nuper reg. Angl' auo nostro tenuit in capite, ætatem suam corā

Diem clausit &c.

te sufficienter probauit, sicut per probationem de mandato nostr' captā,
et in Cācellar' nostram retornat, est compertū, ceperimus homagiū ipsi'
N. de omnibus terris et tenementis quæ i dem R. pater suus tenuit de dict'
auo nostro in capite, die quo obiit, et ei terras et tenemēt' illa reddidim'.
Ideo tibi precipim', quod eidem N. de omnibus terris et tenementis p'd'
de quib' pred' R. pater suus fuit seifitus in dominico suo vt de feodo in
balliua tua die quo obiit, et per mortē eiusdē R. in manū dicti aui nostri
capta fuit, et in manu nostr' sic capta existit, plenam seisinā habere fa-
cias, saluo iure cuiuslibet, T este &c.

Diem clausit extremum post mortem felonis.

VVhen the King hath the lands of the Wife, by reason that her
Husbands was outlawed for felonie, then after þe husbands
death the Diem clausit extremum is such.

Quia A. cuius terr' et tenementa quæ ipse tenuit de iure et hereditate
N. nuper vxoris suæ, adhuc superstitit, ad manus domini E. nuper Regis
Angl' 4. post conquestum, occasione cuiusdam vtlagarię in ipsum A. p'
quadam feloniam, vnde indictatus fuit, vt dicit, p'mulg', deuener', in ma-
nu dom' H. &c. patris nostri extiterunt, et sic in manu nostra existunt, di-
em clausit extremum &c. Tibi precipim', quod per sacramēt' &c. in qui-
ras quæ tenēt, ratione feloniz pred', ad manus ipsorū nuper reg. deuener',
et adhuc in manu nostra sic existunt, et de quo vel de quibus tenentur,
et per quod seruitium, et qualiter, et quo modo, et quantū terr' et tenementa
illa valeant per annum in omnibus exitibus iuxta verum valorem eorū-
dem, et quis vel qui terras et tenementa illa à tempore perpetrationis fe-
loniz pred' occupauit, vel occupauerunt, et exiit et proficua inde perce-
pit vel perceperunt, quo titulo, qualiter, et quo modo, et inquisit' &c.

Nihil simul & natum & perfectum.

WIL. WEST.

FINIS.

¶ The Table to the second part of Symboleography, with new additions.

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